

**H.R. 4103, TO DIRECT THE SEC-
RETARY OF THE INTERIOR TO
TRANSFER CERTAIN PUBLIC
LANDS IN NATRONA COUNTY,
WYOMING, TO THE CORPORA-
TION OF THE PRESIDING
BISHOP, AND FOR OTHER
PURPOSES**

LEGISLATIVE HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION,
AND PUBLIC LANDS

OF THE
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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**LEGISLATIVE HEARING ON H.R. 4103, TO
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TO TRANSFER CERTAIN PUBLIC LANDS IN
NATRONA COUNTY, WYOMING, TO THE COR-
PORATION OF THE PRESIDING BISHOP,
AND FOR OTHER PURPOSES.**

**Saturday, May 4, 2002
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Casper, Wyoming**

The Subcommittee met, pursuant to call, at 10:10 a.m., in the Oscar "Swede" Erickson Gymnasium, Casper College, Casper, Wyoming, Hon. George Radanovich [Chairman of the Subcommittee] presiding.

**STATEMENT OF THE HON. GEORGE P. RADANOVICH, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
CALIFORNIA**

Mr. RADANOVICH. Good morning. My name is George Radanovich. I'm a Member of Congress from California and Chairman of the Subcommittee of National Parks and Recreation and Public Lands, which is a Subcommittee of the Committee on Resources in Washington, D.C. Can everybody hear me OK?

Good morning. Is that better? My name is George Radanovich. I'm Member of Congress from California. I represent California and the Yosemite National Park, and I'm Chairman of the National Parks Subcommittee of the Committee on Resources. And I want to welcome everybody here today to our hearing, and just kind of wanting to go over a couple of ground rules about how the hearing is going to work, what a hearing is and what it is not, and then go and probably read the same thing in my official statement, but I just want to make sure everybody's clear how this hearing is going to proceed today.

This is a hearing that complies with the rules of the House of Representatives. And there are certain things that we do in order to make sure that everybody's views are entered into the Congressional Record. I think that's the whole purpose of a hearing, is to make sure that things get into the Congressional Record about any particular issue.

A congressional hearing is quite different from a town hall meeting, in that there's not a lot of unorganized public input. So a couple things that we would ask the audience to refrain from doing would be cheering or applauding, or rooting for your side or things like that because again the purpose is to really get the information down into the record, so I would ask everybody's indulgence on that.

And we are going to have three panels of witnesses, and then after that, as a special request from Congresswoman Cubin, we will, at the end of the hearing, open up the floor to give people the opportunity to speak.

Unfortunately, people have airplane tickets, planes to catch. My son has his birthday party in Washington, D.C., so I've got to get back for that. He's going to be 4 years old. And I believe there's another event in this gymnasium.

So we're going to allow time for public input. They're going to have to be statements of 1 minute each, and hopefully we can at least have 45 people to come up and make some statements. But, again, what we're really focusing on is getting all aspects of the issue in the Congressional Record, and we try to organize our formal witnesses to make sure that happens.

And I think that you'll see we have a broad perspective of—broad interest of witnesses that should give every perspective of this issue, and that will be the point of the meeting.

So if you'll indulge me, I will make my opening statement, and then we'll get on to our witnesses.

I want to thank you for coming to the Subcommittee on National Parks and Recreation and Public Lands. I want to thank everybody for being here this morning. And before we get started, it's taken a tremendous amount of work putting this hearing on, and I appreciate the interest that's shown by the number of people who turned out for the hearing today. I want to make it very clear this is an official congressional hearing, it's not a town hall meeting, and consequently it will operate differently than other public meetings that you have attended in the past. In order to clear up any confusion about how congressional hearings are conducted, I'm going to take a little bit of time to explain a bit more of the process.

Because this congressional hearing—Because this is a congressional hearing, we have to abide by certain rules of the Committee of the House of Representatives. So we would ask that there be no applause of any kind, or any kind of demonstration or outburst with regard to anybody's testimony.

It's important that we respect the decorum and rules of the Committee and House of Representatives. This requires that the level of discourse on all sides be respectful.

Moreover, it is simply impossible to have everybody who would like to testify as a witness do so. However, there has been a concerted effort to include witnesses both in favor of and against the legislation.

In addition, we will hear today from a witness from the Department of Interior. That witness will represent the views of the Department, which includes BLM, Bureau of Land Management.

Testimony is limited to 5 minutes. A more comprehensive statement is submitted by these witnesses for the record.

This is consistent with all of the legislative hearings that are held in Washington, D.C. One additional note before we begin as well, at the conclusion of the final panel of witnesses, we will end this hearing and take some comments from the members of the audience. And while doing so in a congressional hearing is very unusual, it was felt that due to the great interest on this issue from the State of Wyoming, that will provide an additional opportunity for the public to voice their opinion.

The time that would be allotted to this activity will depend upon the time taken up by this hearing process. Some have complained about the short time allotted to speak. Again, I need to remind everybody that this is not a town hall meeting, so that this may be different than public meetings that you may have attended in the past, and due to the great number of people who would like to comment on this issue, we will have to insist that speakers are limited to 1 minute apiece.

I also need to make everybody aware that there's a prior reservation here in the gym following this hearing, and some Members of Congress attending this hearing are from out of town and need to get back to their communities.

So if—I think I've covered everything. I'm going to get into a short discussion on the substance of the bill and then we'll begin.

We're here today to take testimony and comment on H.R. 4103, the Martin's Cove Land Transfer Act. Following the introductions of this bill, Congresswoman Barbara Cubin called for a congressional hearing, field hearing in the state of Wyoming, so that the people would have the opportunity to fully comment on the merits of this proposal, and that's why we're here today.

I understand that there are strong feelings on both sides of this issue, and some feel that the land would be better in the hands of the LDS Church. Some people feel that the land would be better in the hands if the LDS Church were to acquire the property, and that they would have a good record with regard to historical sites that they maintain. Others do not feel that way, express great concern with any land leaving Federal Government ownership, and have concerns about the land transfers, sales and exchanges in general.

This hearing is very unusual for a number of reasons. Not only does it provide the opportunity to explore the pros and cons of this particular piece of legislation, but it also provides a clear record for the Subcommittee.

There has been some confusion about a number of things that have been put forward both in the papers, and the public discourse that are factually inaccurate. The terms National Historic Site, National Landmark, and National Register have been used almost interchangeably as though they are the same thing. Some continue to assert that H.R. 4103 would sell a National Historic site. That is not accurate and needs to be corrected. I noticed that this is asserted in some of the testimony that has been submitted for today's hearing.

I would point out that Martin's Cove is listed on the National Register of Historic Places. I am informed by the National Historic Registry there are 75,000 sites on the National Register across the country. It is not unusual at all for these sites to change owner-

ship. In fact I'm told that tens of thousands of most sites are privately owned. In contrast, officially designated national historic sites are very few in number, operated as part of the National Park system and have very broad national significance, such as with Presidential homes.

Once again, I'm hopeful this hearing will be a good opportunity to add meaningful testimony and comments to the legislative process today, for the consideration of the Subcommittee on National Parks, Recreation and Public Lands, and we will now turn to other Members of the Committee for any statements that they may have.

So thank you very much for being here. I would like to recognize your fine Congresswoman from Wyoming, Barbara Cubin.

STATEMENT OF THE HON. BARBARA CUBIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Mrs. CUBIN. Thank you, Mr. Chairman. First I would like to take time to thank all of the Members of the Committee here today. They have busy schedules just like mine. They could be at home with their families, they could be doing events in their own districts, but because there has been so much interest in and emotional difference in this issue, they chose to come to Casper and find out the facts for themselves.

Just as you people out there are divided in what should be done, we down here are divided as well.

Mr. Radanovich represents the 19th District in California, which includes most all of Fresno, Madera, Mariposa and Tulare Counties in California. His district isn't quite as big as mine, but it's a big one.

His district also includes Yosemite National Park, so he and I have many concerns in regards to the proper management of National Parks. We worked together on a lot of different issues in this regard. He's a tireless individual, and I respect him as much as anyone I worked with.

Next, I want to extend my warm thanks and welcome to our northern neighbor, Representative Denny Rehberg, who represents the entire state of California—excuse me, Montana.

Yeah, the land—never mind.

Denny Rehberg's is bigger than mine. He is a rancher by trade. He's no rookie at government, having served in the Montana State House, and was Montana's Lieutenant Governor for two terms. He does an excellent job in representing the people of Montana, and understands how independent people can disagree about the land that they love so much.

I want to welcome also Representative Eni F.H. Faleomavaega, who has represented America Samoa in the Congress since 1989. I have traveled with Mr. Faleomavaega, and he is a wonderful Congressman. He's also served as a Lieutenant Governor of America Samoa as well as Deputy Attorney General in America Samoa. He served the United States valiantly in Vietnam, and spent 7 years in the 100 Battalion 442 Infantry Reserve Unit.

Now, turning to the Administration's witnesses—one witness. She's not here yet, but I'll tell you a little bit about Kit Kimball. She is with the Department of Interior. Her plane is coming in, and

she will be here in time to testify. We'll simply change the order in which the testimony occurs.

She is the Department of Interior Director of External and Intergovernmental Affairs or better known as Secretary Norton's "Ambassador to the West." She was previously the Executive Director of the Western Regional Council, and has worked hard to get her Denver office up and running to facilitate better lines of communication between Washington and the folks in the West.

I sincerely thank all my colleagues for being here.

The Subcommittee is here today, as George said, to gather as much information as possible about the bill that was introduced by Utah Congressman Jim Hansen, Chairman of the House Resources Committee, H.R. 4103, The Martin's Cove Land Transfer Act, the effects the bill will have on Wyoming specifically and public land generally.

In an effort to ensure that the views and opinions of my constituents be heard, I requested the Resource Committee hold this hearing in Wyoming near Martin's Cove. I'd like to thank Chairman Hansen for allowing this official field hearing to take place today.

From the very beginning Chairman Hansen insisted that this bill follow regular order and go through the regular legislative process. But in allowing this hearing today, he has gone one step beyond that in granting my wish for Wyoming people to be allowed to put their opinions in the official written record of the Congress of the United States.

I am opposed to H.R. 4103 as it is currently written. However, I come to this hearing with an open mind. I look forward to a thoughtful and respectful dialog between those who support the bill and those who oppose it.

As I stated earlier, we here at the table are divided on whether or not this bill is a good idea.

Today we've assembled a well rounded panel of experts who will share their thoughts on the legislation before us. The witnesses are all Wyomingites and are members of the trails community, historians, Church members, a local government representative, and local activists who are opposed to the bill.

Other groups have been asked to provide written testimony to the bill, and that will also be added to the record, including the Society of American Archeologists, the Sierra Club, and the Oregon California Trails Association. So you can see we want this to be as open and as fair as is reasonably possible.

Also, I want to hear comments from the audience after the testimony from the panel is completed. The comments will be firmly limited to 60 seconds, and some reasons have been told for that, but also we are going to take a tour out to Martin's Cove and look at it, and see exactly what we are talking about when we make a vote on it.

So it's most important that in order for the other members to catch their planes, that we limit the amount of time.

If we had 2 days certainly we would love to hear from everyone. So we hope that if there are a group of people that all agree on a subject, that one of you will come to represent that view, and then your view can be on record as well.

Wyoming needs a full and thorough vetting of this bill to find out what the benefits and disadvantages are if the Federal property is sold to the Church. I want to hear from all of these groups to determine if there are ways that Chairman Hansen's bill can be improved, or if it is simply a bill that does not benefit Wyoming.

As everyone here is well aware, emotions have run high on this issue for several months. To me that means everyone cares about the issue greatly and want their views to be heard. Today we ensure that happens. However, it goes without saying that while emotions do run high on the issue, I would ask everyone participating to be respectful of one another's views.

Finally, I want to thank the witnesses and the members of the audience for coming today. That's what Wyoming is all about, taking care of your own and participating in your own business.

This will be a good forum to learn about Chairman Hansen's bill, and I hope that all of us can come to it with an open mind.

And with that I yield back the time I don't have, Mr. Chairman.
[The prepared statement of Mrs. Cubin follows:]

**Statement of The Honorable Barbara Cubin, a Representative in Congress
from the State of Wyoming**

I would first like to thank Chairman Radanovich, for taking time out of his busy schedule to be here in Casper today. Mr. Radanovich represents the 19th District of California, which includes most all of Fresno, Madera, Mariposa, and Tulare Counties in California. His district includes Yosemite National Park, so he and I have many common concerns in regards to proper management of our National Parks. He is a tireless individual and I respect him as much as anyone I have ever worked with.

Next, I would like to extend a warm welcome to our northern neighbor Representative Denny Rehberg, who represents all of Montana. Mr. Rehberg, a rancher by trade, is no rookie to government having served in the Montana State House and as Montana's Lieutenant Governor for two terms. He does an excellent job of representing the people of Montana.

I would also like to welcome Representative Eni F.H. Faleomavaega who has represented America Samoa in the Congress since 1989. Mr. Faleomavaega also served as Lieutenant Governor as well as Deputy Attorney General in America Samoa. He served the United States valiantly in Vietnam and spent seven years in the 100 Battalion 442 Infantry Reserve Unit.

Turning to the Administration's witness, I am pleased to welcome Kit Kimball, who is the Department of Interior's Director of External and Inter-governmental Affairs, or better known as Secretary Norton's "Ambassador to the West." She was previously the Executive Director of the Western Regional Council, and has worked hard to get her Denver office up and running to facilitate better lines of communication between Washington and the folks in the West.

Thank you all for being here today.

The Subcommittee is here today in a fact-finding capacity to learn more about the bill introduced by Utah Congressman Jim Hansen, chairman of the House Resources Committee, H.R. 4103, The Martin's Cove Land Transfer Act.

In an effort to ensure that the views and opinions of interested parties would be heard, I requested that the Resource Committee hold this hearing in Wyoming and near Martin's Cove. I would like to thank Chairman Hansen for allowing this official field hearing to take place today.

I am opposed to H.R. 4103 as it is currently written. However, I come to this hearing with an open mind. I look forward to a thoughtful and respectful dialogue between those who support the bill and those who oppose it.

Today we have assembled a well rounded panel of experts who will share their thoughts on the legislation before us. The witnesses are all Wyomingites and are members of the trails community, historians, Church members, a local government representative, and local activists opposed to the bill. Other groups have been asked to provide written comments that also will be added to the record, including the Society of American Archeologists, the Sierra Club, and the Oregon California Trails Association.

Also, I want to hear comments from audience members after the testimony is completed if they have something to add to the discussion. The comments will firmly be limited to one minute so that as many folks as possible can discuss their views.

At the conclusion of the hearing, I will tour Martin's Cove with the witnesses, LDS representatives and Bureau of Land Management officials.

Wyoming needs a full and thorough vetting of this bill to find out what the benefits and disadvantages are if the federal property is sold to the Church. I want to hear from all these groups to determine if there are ways Chairman Hansen's bill can be improved, or if it is simply a bill that does not benefit Wyoming.

As everyone here is well aware, emotions have run high on this issue for several months. To me, that means everyone cares about the issue greatly and want their views to be heard. Today, we will ensure that happens. However, it goes without saying that while emotions do run high on the issue, I would ask that everyone participating be respectful of one another views.

Finally, I would like to thank the witnesses and members of the audience for coming today in advance of the hearing. This will be a good forum to learn about Chairman Hansen's bill and the issue in general.

Mr. RADANOVICH. Thank you, Mrs. Cubin. I want to introduce the Honorable Eni Faleomavaega from America Samoa.

**STATEMENT OF THE HON. ENI FALEOMAVAEGA, A DELEGATE
IN CONGRESS FROM THE TERRITORY OF AMERICAN SAMOA**

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. And I just want to say that for the good people of Wyoming, my district is somewhere between New Zealand and Hawaii, so if you want to come, I invite all of you to come and pay your own fare.

Mr. Chairman, I want to thank you for holding this public hearing on the H.R. 4103, a bill which directs the Secretary of Interior to sell certain lands in Natrona County, Wyoming to the Presiding Bishop, the Church of Jesus Christ of Latter-day Saints.

At the request of Congresswoman Barbara Cubin, our Subcommittee on National Parks is holding this hearing today to ensure that the residents and the good people of Wyoming are given an opportunity to be heard on this matter.

I want to again commend you, Congresswoman Cubin, on your leadership and sensitivity on this proposed legislation; that a hearing is being held today in Casper, Wyoming, is a result of the Congresswoman's effort, and I thank my good friend from Wyoming for requesting this field hearing. And I thank you, Mr. Chairman, for honoring Mrs. Cubin's request.

This is the second time that I had the privilege of visiting Wyoming, the Equality State, and I'm grateful for the opportunity. Years ago I traveled by car as one of the two high school students to represent the state of Samoa, at the National Conference For Youth For Christ International Clubs, from high schools all over the country, I believe 10,000 in all. And the convention was held that summer by Bass Lake in Indiana. So I've been to Casper, Wyoming.

Years ago a relative of mine by the name of Paul Nune (phonetic), played football for the University of Wyoming Cowboys, and for the life of me I could never understand how he was able to adjust to the warm tropical weather you have here in Wyoming.

As you are aware, Mr. Chairman, my name is listed as an original cosponsor of H.R. 4103. And I also want to note for the record that I am a Democrat, and very big convert member of Jesus Christ of Latter-day Saints, and very honored to have the experi-

ence to be a member of a Christian church that has roots that were established right here in America, and its origin is from America, truly an American heritage with an American prophet who was directed by divine providence to translate ancient writings that became known as Book of Mormon, a book that also stands for the divinity of issue, for the secular Jesus Christ.

I'm not here to talk about religious doctrines, Mr. Chairman, I'm here to learn more about Martin's Cove, and why this piece of legislation, and why this piece of land, which is now owned by the Federal Government, should or not be sold to the LDS Church. And since the land in question is situated in the state of Wyoming, it is imperative that our Subcommittee should solicit testimonies and opinions from its congressional state and community leaders on this matter.

The leaders of the LDS Church has expressed an interest to purchase Federal land known as Martin's Cove because of a tragedy that took place some 146 years ago right here about an hour's drive from Casper, Wyoming.

My understanding is that two Handcraft—Handcart Companies, Willie Martin Companies, composed of almost a thousand members of the LDS Church who emigrated from England and Holland, they were not familiar with the harsh winters of the Midwest. Their attempt to reach Salt Lake City, Utah, through means of pulling specially made handcarts, since mostly they were poor and unable to purchase covered wagons without horses or oxen, these emigrants were caught in an early winter storm in that year, in October. And without sufficient food and clothing, over 200 men, women and children died as a result of the cold, frost bite, starvation. And despite heroic efforts of LDS to locate and assist the two companies, the remaining members of the Willie Company founded South Pass, and those rescued in Martin's Cove were within the surrounding area that is now known as Martin's Cove.

Mr. Chairman, this is basically my understanding of the events surrounding Martin's Cove, and why it holds a special feeling not only to the leaders, the members of the LDS Church. I do not believe any of us here this morning can appreciate the suffering these people have had to endure.

Mr. Chairman, what happened in Martin's Cove is part of history about the early years of people who, for one reason or another, followed these famous trails that lead to California, or Oregon. For members of the LDS church, their movement to the west can best be described as their trail of many tears, and became—because of extreme religious bigotry and intolerance to the LDS Church, it forced migration for many members who left their homes and properties, tarred and feathered, who started their journey to the west and settled in the Salt Lake valley.

For a period of some forty years members of the church made their way across the plains to live in peace and be united with those of their faith. They did this against harsh odds. The cost of the covered wagon was beyond the means of most. Many crossed the plains by foot pulling their belongings in handcarts some 1300 miles in difficult terrain.

Although some 70,000 made it across the plains, along the way many perished as did their mothers and fathers or their brothers

and sisters, sons and daughters, some even buried in Martin's Cove.

I'm aware that there is some argument about what constitutes a burial ground. Mr. Chairman, I submit that a person who's buried anywhere, as far as I'm concerned, is sacred ground. We do know many of those that perished in Martin's Cove were placed in blankets and covered with snow because the ground was so frozen graves could not be dug.

Does this make the ground less significant or less sacred? I do not think so. From the perspective of any thoughtful person, Mr. Chairman, Martin's Cove is a burial site, in religious and historical significance.

Despite its historical significance, the Federal Government did little for public access to the site. My understanding that no access, highway notifications or facilities were available to the public until the LDS Church, in cooperation with the Sun family, purchased a fee simple land adjoining Martin's Cove in 1996.

Since 1996 the investment, construction of the operation of facilities necessary and essential to accommodate the public on fee simple lands near Martin's Cove was provided by the LDS Church. And I want to commend the BLM for permitting treks across its land from 6th Crossing west to Rock Creek and for working cooperatively with the LDS Church in recent years to facilitate public access to this historic site.

It's unfortunate that some of the media, Mr. Chairman, has purposely tried to malign the LDS Church because of its effort to obtain Martin's Cove.

Congress has previously offered the sale of public lands to the West Native Church in 1985, a similar sale the church also made in 1988.

The question has also been raised about setting a precedent for American Indians to purchase Federal lands for religious purposes. The fact is Congress has already passed several pieces of legislation which transferred Federal lands to certain Native American Indian tribes because of recognition of such and for the tribes. This was done for the Zuni Indians of Arizona. It was done for the Hochunk Indian Nation of Wisconsin, and again for the Havasu Tribe of Arizona. Federal land was also conveyed to the Pueblo Taos Indians of New Mexico.

Furthermore, when Congress passed the American Indian Religious Freedom Act in 1978, it clearly states that one of the fundamental policies of the United States government is, and I quote, To protect and preserve the American Indians, their inherent right to believe, to express, and to exercise the traditional religion of the American Indians, the Native Hawaiian, including but not limited to sites, uses and possession of sacred objects.

And I can't share with you, Mr. Chairman, the tragedy and the sad story of what happened to the first Americans, I can only share with you the indignity of what is happening to the thousands of skeleton remains of Native Americans who sit right now in the Smithsonian Museum. You talk about desecrating, Mr. Chairman, I can show you terrible places where this is done so inadequately for the needs of the Native Americans.

Mr. Chairman, I'm hopeful as a result of this field hearing, the efforts of Congresswoman Cubin, we will be able to find our way to a compromise that is agreeable to both the LDS Church and the good people of Wyoming.

I want to thank our witnesses for giving their time and effort to testify this morning, and I look forward to hearing from them.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Faleomavaega follows:]

**Statement of The Honorable Eni F.H. Faleomavaega, a Delegate in
Congress from American Samoa**

I want to thank you for holding this public hearing today on H.R. 4103, a bill which would direct the Secretary of the Interior to transfer certain lands in Natrona County, Wyoming to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints.

At the request of Congresswoman Barbara Cubin, our Subcommittee on National Parks and Public Lands is holding this field hearing today to ensure that the residents of Wyoming are given an opportunity to be heard on this matter.

I want to commend Congresswoman Cubin for her leadership and sensitivity regarding this issue. That a hearing is being held today in Casper, Wyoming is a result of Congresswoman Cubin's efforts and I thank my good friend from Wyoming for requesting this field hearing and, I thank you, Mr. Chairman, for honoring Mrs. Cubin's request.

This is the second time I have had the privilege to visit Wyoming, the Equality State, and I am grateful for the opportunity. Years ago, I was selected as one of two high school students to represent the State of Hawaii at the National Convention of the Youth for Christ. I believe about 10,000 high schools from all over the country participated in this event which that summer was held in Winona Lake, Indiana. On my way to Indiana, I got to see a bit of Wyoming. A relative of mine, Paul Nunu, also played football for the University of Wyoming Cowboys, and for the life of me, I could never understand how he was able to adjust to the warm tropical weather you have here in Wyoming.

As you are aware, Mr. Chairman, my name is listed as an original co-sponsor of H.R. 4103. And I also want to note for the record that I am a Democrat and every bit a convert member of the Church of Jesus Christ of Latter-day Saints. It is an honor and a humbling experience for me to be a member of a Christian Church which has roots even in America and was restored by an American prophet that was directed by Divine Providence to translate ancient writings that later became known as the Book of Mormon—a book that also stands as a witness to the divine mission of our Savior Jesus Christ.

But I am not here to talk about religious doctrine, Mr. Chairman. I am here to learn more about Martin's Cove and why this piece of land—which is now owned by the Federal Government—should or should not be sold to the LDS Church. And since the land in question is situated in the state of Wyoming, it is imperative that our Subcommittee should solicit testimonies and opinions from its Congressional, state and community leaders on this matter.

The leaders of the LDS Church have expressed an interest to purchase Federal land known as Martin's Cove because of a tragedy that took place some 146 years ago—right here about an hour's drive from Casper. My understanding is that two handcart companies—the Willie and Martin companies—were composed of almost a thousand members of the LDS Church who immigrated from England and Holland. These people were not familiar with the harsh winters of the Midwest and were attempting to reach Salt Lake City, Utah by means of pulling specially-made handcarts since most were poor and could not afford to purchase covered wagons and teams of oxen.

In October of 1856, these immigrants were caught in an early winter storm without sufficient food and clothing. Despite heroic efforts by LDS Church members and leaders who sent teams from Salt Lake City to locate and assist the two companies, over 200 men, women and children died as a result of freezing temperatures and starvation. The remaining members of the Willie Company were found at South Pass and those rescued from the Martin Company were within the surrounding area that is now known as Martin's Cove.

Mr. Chairman, this is basically my understanding of the events surrounding Martin's Cove and why it holds a special meaning not only to the leaders but to the

members of the LDS Church. I do not believe any of us here this morning can appreciate the suffering these people had to endure.

Mr. Chairman, for members of the LDS Church, their movement West can best be described as a "trail of many tears." It can also be described as a forced migration. Because of religious bigotry and intolerance towards the LDS Church, many LDS members were forced to leave their homes and properties and pull handcarts across the plains as they made their way to the Salt Lake Valley.

For a period of some forty years, new converts to the Church made their way across the plains to live in peace and be united with those of their faith. They did so against harsh odds. The cost of a covered wagon was beyond the means of most. Many crossed the plains by foot, pulling their belongings in handcarts across 1,300 miles of difficult terrain. Although some 70,000 Latter-day Saints made it across the plains, along the way many buried their mothers, fathers, brothers, sisters, sons and daughters. Some were buried at Martin's Cove.

I am aware that there is some argument about what constitutes a burial ground. There is even argument about the exact location of where the people of the Willie and Martin Handcart companies were buried. I would like to submit that we cannot, and should not, judge 19th century burial grounds by 21st century standards.

What we do know is that many of those who perished near Martin's Cove were wrapped in blankets and placed in piles and covered in snow because the ground was so frozen graves could not be dug. Does this make the ground less significant or less sacred? I do not think so. From the perspective of any thoughtful person, Martin's Cove is a burial site of historical and religious significance.

Despite its recognized historical significance, the Federal Government has done little to facilitate public access to the site. It is my understanding that no access, highway notification, or facilities were available to the public until the LDS Church, in cooperation with the Sun family, purchased fee simple lands adjoining Martin's Cove in 1996.

Since 1996, the investment, construction and operation of facilities necessary and essential to accommodate the public on fee simple lands near Martin's Cove has been provided by the LDS Church with trail development at the Cove provided by the BLM with the assistance of volunteers from the Church. I want to commend the BLM for permitting treks across its land from Sixth Crossing west to Rock Creek and for working cooperatively with the LDS Church in recent years to facilitate public access to this historic site.

It is unfortunate that some in the media have purposely chosen to malign the LDS Church because of its efforts to acquire Martin's Cove. The fact of the matter is Congress has previously authorized the sale of public land to the Wesleyan church in 1985. A similar sale of Federal land to the Catholic church was also authorized in 1988.

A question has also been raised about setting a precedent for American Indians to purchase Federal lands for religious purposes. The fact is Congress already has passed several pieces of legislation which transferred Federal lands to certain Native American Indian tribes because of the significant and religious significance of those lands to the tribes. This was done for the Zuni Indians of Arizona. It was done for the Ho Chunk Indian nation of Wisconsin and again for the Harasupai tribe of Arizona. Federal land was also conveyed for the Pueblo de Taos Indians of New Mexico.

Furthermore, when Congress passed the American Indian Religious Freedom Act in 1978, it clearly stated that one of the fundamental policies of the United States is "to protect and preserve for the American Indians their inherent right of freedom to believe, express and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to sites, uses and possession of sacred objects."

I might also add that Federal dollars were used to establish the Holocaust Museum in Washington, DC, and rightfully so. This museum is a beautiful memorial to a people who have suffered untold cruelties beyond all comparison.

It is not unprecedented for the LDS Church to seek to reverence its dead. It is my understanding that the LDS Church has sought to acquire Martin's Cove in fee since 1997 by proposing an exchange for other lands in Wyoming but has been unable to reach agreement with the BLM despite good faith efforts by both parties. Given this and out of respect for the unique events which figure prominently and singularly in the faith of the LDS Church, I believe it is only appropriate that the U.S. Congress support the sale, exchange, conveyance, or transfer of this land.

I am hopeful that as a result of this field hearing and the efforts of Congresswoman Culin we will be able to find our way to a compromise that is agreeable to both the LDS Church and the good people of Wyoming.

Mr. Chairman, I want to thank our witnesses for giving of their time to provide the public and members of this Committee with additional information and views that should be considered. I look forward to hearing from each of our witnesses as well as the general public.

Mr. RADANOVICH. Thank you very much, Mr. Faleomavaega.
I'll turn the attention to Congressman Dennis Rehberg from Montana.

**STATEMENT OF THE HON. DENNIS REHBERG, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
MONTANA**

Mr. REHBERG. Thank you, Mr. Chairman. I do not have a written opening statement, my opening statement will be brief. I'm a Lutheran, and so I won't probably have a lengthy comment, but I want to thank you in the audience. Those of us in the west care a lot about resource issues, especially the difference between private and public ownership. If I learned anything over the years, I've learned consensus needs to be established when it comes to issues such as this, because if we don't, we divvy up in the corners, and spend all of our time suing our way back out of those corners.

As a fifth generation on the same ranch in Montana, I know what the area is all about. I feel that same proud feeling about my ancestors on that property, and so I know the struggles that many of you in Wyoming are feeling about the potential of either selling what you consider to be your heritage, or gaining access, or purchasing what you consider to be your heritage.

I told my colleagues on the way in I was not going to hold it against Casper over the fact that I used to play in the Big Sky River Drum and Bugle Corp, and Casper Troopers continued to kick our rear ends over the years. I'll forget those years, because we never did beat you. Spent a lot of time coming down and trying.

You're an outstanding group, you got great kids and great families, and for that I thank you for being our neighbors to the south.

Thank you, Barbara, for the invitation. It's always nice to be back in Wyoming.

And, Mr. Chairman, thanks for allowing me to sit on your panel.

Mr. RADANOVICH. My pleasure. And with that we are going to go ahead and move to our panel of witnesses.

Again, as Congresswoman Cubin had mentioned, our first panelist, Director Katharine Kimball is on her way, so we're not going to wait. We're going to start with Panel No. 2, which includes Mr. Scott Lorimer, Riverton, Wyoming, the Honorable Fred Parady from Rock Springs, Wyoming, and Mrs. Barbara Dobos from Casper, Wyoming.

If those folks would please come forward.

And for the audience's benefit, generally what we do is allow each witness to speak for 5 minutes regarding the issue, and then after the panel is done, it is opened up for each person here to ask them questions, and then when they're done we move to the next panelist. So that's kind of how this thing will unfold. Each person will make a 5-minute statement first and questions will be asked of them.

Mr. Lorimer, welcome, and you may begin.

STATEMENT OF SCOTT LORIMER, RIVERTON, WYOMING

Mr. LORIMER. Thank you, Mr. Chairman. I thank the panel for being here. Fellow witnesses—

Mr. RADANOVICH. Mr. Lorimer, a couple things, we learned this lesson, get close to the mike. And you'll see the little green light over there. That's the—It's like a traffic signal. Green means go, yellow means hurry up, and red means stop.

Mr. LORIMER. Very well. Mr. Chairman, members of the Committee, fellow witnesses, and members of the audience, I appreciate you all being here today.

My name is Scott Lorimer. I am a Wyoming native, a resident. I have been for the majority of my life. I grew up right here in Casper, Wyoming. I was a member of the Troopers. I also wrestled on this floor for a state championship match. I went through the educational system here in Casper and graduated in 1969 from Kelly Walsh High School.

Following my graduate studies at the University of Nebraska, my wife and I moved our family to Riverton, Wyoming, where we made our home since 1976. My entire life then has been spent in close proximity to the sites of the Willie and Martin Handcart Companies when we moved to Riverton, Wyoming.

As a youth I remember many, many trips going to Independence Rock, climbing up on that large monolith out in the middle of the prairie, and imagining what the pioneers must have thought when they saw that huge granite boulder.

In addition to that I looked at the names. I wondered who those people were. I wondered had they made their destinations, what had caused them to come west, what day did they get here, how old were they, what were the members of their family like. That impression burned within me. I had a desire to learn of this history.

After moving to Riverton, Wyoming, I not only—or at that time I wasn't allowed access to Devil's Gate but was taken into Martin's Cove by the Sun family. Again that desire was there to learn of those people.

Upon moving to Riverton, I began to learn more about the Willie Handcart Company as well as the Martin Company. I began to collect journals, histories, diaries, rare books. That library has now grown to over 60,000 pages of documents regarding just these two handcart companies.

My desire was, as I visited those sites, which were on private and public land, however, access was restricted by public access and by private ownership. My desire was that people, other people, other than just I, could visit those sites.

I first approached the Bureau of Land Management and asked permission to help commemorate the suffering of those two handcart companies by constructing three monuments, one at Martin's Cove, one at the Willie site, and one at Rocky Ridge. The Bureau of Land Management approved the text of those monuments and siting of them, and granted us permission to harvest rocks from a quarry which they managed, to construct the monuments. However, no Federal funds were available to defray the cost.

Volunteers by the thousands came, built the monuments, cast the bronze, and commemorated those pioneers. The monuments were dedicated on August 15th, 1992.

At that time I asked permission from the leadership of the Mormon Church to try to buy Rock Creek Hollow, the site of the Willie Handcart Company camp where 13 are buried in a common grave. Permission was given, and on September 9th, 1992, Rock Creek Hollow was acquired by the Mormon Church, and after renovations were completed, was dedicated on July 23rd, 1994, and for the first time in many years was made available to the public at no cost.

At the dedication of Rock Creek Hollow on July 23rd, 1994, I again approached the leadership of the Mormon Church, asked them for permission to approach the Sun family, and asked to purchase a portion of the Sun Ranch which controlled access to Martin's Cove. Permission again was granted.

Negotiations took from 1994 to 1996, at which time in the spring of 1996 an agreement was reached with the Sun family to purchase a portion of the Sun Ranch, so that access could be allowed into Martin's Cove.

At that time it was anticipated that hundreds, hundreds of thousands of people would come. Thousands of man-hours needed to be dedicated, and millions of dollars. The Mormon Church put those dollars up, and thousands of volunteers. Wyoming people from Casper, Riverton, Shoshone, Dubois, Rawlins, Rock Springs, and Lander dedicated thousands of hours to build all of the infrastructure that is currently on private land owned by the Jesus Christ of Latter-day Saints, and made access available to Martin's Cove.

On July 23rd—on May 4th, 1997, the Mormon Handcart Visitor Center was dedicated at Martin's Cove; for the first time in 140 years was made open to the general public at no fee and no cost.

That has been the case to this day. I believe that there is a—

Mr. RADANOVICH. You want to sum up, that's OK.

Mr. LORIMER. Let me sum up one thing, Mr. Chairman, that there is a distinction that is a difference in what is being debated here. There are lands in the Sweetwater Valley owned by the Mormon Church that include the Mormon, Oregon, California, and Pony Express Historic Trails. Martin's Cove is not on those trails. It is a separate and distinct piece of land that is pertinent to the people, the 56 people that died there, and the thousands of people that were in there that were members of the Martin Handcart Company. It is a drastic difference, the access to the trails, Oregon, California, Pony Express, granted to the lands that they owned, for the first time ever in a hundred years.

[The prepared statement of Mr. Lorimer follows:]

Statement of Robert Scott Lorimer, Riverton, Wyoming

Mr. Chairman and Members of the Subcommittee on National Parks, Recreation and Public Lands, it is a privilege to be before you today to discuss the use of and ownership of one of our national landmarks, Martin's Cove. My name is Scott Lorimer. My involvement during the past 30 plus years with Martin's Cove and other Handcart historical sites has been as a non-historian volunteer. I have received no compensation or reimbursement for my work. I have no formal training as a historian but have written extensively regarding the Willie and Martin Handcart Companies and have been presented awards honoring my work. (please see Exhibits A and B)

I grew up in Casper Wyoming, approximately 60 miles from Independence Rock, Devil's Gate and Martin's Cove. Throughout my childhood years I was completely captivated as my Mother would tell me stories of my great grandfather, Neils Peter Ipson. He was a native of Denmark who like so many emigrants of the 1800's came to America in pursuit of the right freedom of religion and many of the other freedoms enjoyed on the American shores. He was a member of the second handcart company to come in 1856, the McArthur Company. Mom would tell me how he pulled a handcart across the plains wearing wooden shoes he himself had made. I learned of the hardships suffered by the handcart pioneers and was very proud of my heritage.

At the age of six, I was invited to go on a tour of Martin's Cove by a great Sunday School teacher. My classmates and I were treated to a guided tour by Tom Sun Jr. As I walked into Martin's Cove, I felt a special feeling that I did not completely understand. I listened to the stories of how the Martin Handcart Company had suffered in the October storm of 1856. In my mind I envisioned the pioneer children huddled near their dying parents as the relentless Wyoming winds tore at them and robbed them of body warmth, determination and life itself. I contemplated the feeling of starvation and despair. Those feelings never left me.

After serving a mission in Germany and completing my college education I returned to Wyoming to live in Riverton. I had learned that there were two handcart companies stranded in the October 1856 blizzard, the Willie Company and the Martin Company. I knew somewhat concerning the Martin Company but very little about the Willie Company. I resolved to find their campsites of note and more particularly Rock Creek Hollow near South Pass.

Again as I walked for the first time on the ground at Rock Creek Hollow I felt a deep sense of reverence for the bold and courageous people who had given all that they had, even life itself, for generations yet unborn.

I found myself desiring that other people that I knew might have the opportunity of visiting both Martin's Cove and Rock Creek Hollow. Access to both locations was on private ground so permission needed to be obtained each time a visit was made. I also began to visit sites on public, BLM, lands such as the base of Rocky Ridge and Rocky Ridge.

I took everyone I knew to these areas and interest began to grow. They in turn brought their friends and so it went. In addition I began to be keenly interested in the handcart pioneers personal histories. I began collecting first hundreds and then thousands of pages of journals and other information relating to the handcart companies and the individuals who made up their number. The research made the sites of Martin's Cove and Rock Creek Hollow more meaningful and the pioneers became real. Their stories are about faith, dedication and love. Through the study of their lives we all became better people.

On October 16, 1991, I invited local members of the Mormon Church to assist in the construction of three monuments along the Mormon Trail. The monuments were to be at Martin's Cove, The Willie Rescue Site and Rocky Ridge. The monuments were to resemble one that had been constructed at Rock Creek Hollow in 1932. After permission was obtained from the BLM and land owners, construction began. The response was overwhelming. Not only were the monuments constructed entirely from donated materials and labor but the large bronze plaques on each monument were cast by volunteers in Wyoming. This required not only creativity but the construction of a kiln, oven and tools to handle the molten bronze. These monuments were completed and dedicated on August 15, 1992. Descendants of the Martin or Willie pioneers and other interested individuals began to visit the monuments in large numbers.

The interest grew to the point that I approached the leadership of The Church of Jesus Christ of Latter-day Saints and asked permission to purchase first Rock Creek Hollow and then the Sun Ranch. President Gordon B. Hinckley, current President of The Church of Jesus Christ of Latter-day Saints, not only granted permission but enthusiastically embraced the idea of the purchases.

Rock Creek Hollow was purchased on September 9, 1992. Work began immediately on a reclamation effort to restore Rock Creek Hollow to its original status as mining operations in the 1800's had significantly changed the river bed and left large tailings piles from dredge operations. After one and a half years of continuous work by volunteers who donated supplies, equipment and labor, Rock Creek Hollow was dedicated on July 23, 1994 by President Gordon B. Hinckley. After Rock Creek Hollow had been made available to the public, I obtained authorization to approach the Sun family for either an easement into Martin's Cove or the possible purchase the Sun Ranch.

After lengthy negotiations a portion of the lands controlled by the Sun family were purchased on July 22, 1996. Work began immediately to construct a Visitor's

Center, a new bridge across the Sweetwater, handcarts, restrooms and trails into Martin's Cove.

The bridge was constructed entirely by volunteer labor which amounted to over 8,000 man hours. It became known as Veil Crossing. The trails were constructed by volunteers and BLM employees working side by side. The BLM provided very valuable suggestions that they had obtained through the management of other historical sites.

The Visitors Center was completed by volunteers and was dedicated on May 3, 1997 by President Hinckley. The Visitor's Center became known as the Mormon Handcart Visitor's Center. Not only is the history of the Martin Handcart Company presented in the Visitor's Center but the history and legacy of the Sun family who had served as wise stewards of the land for over 150 years.

After the dedication of the Visitor's Center thousands of visitors came every year. A dream that I had envisioned since my childhood had come true. People not only were being allowed to visit the sites of the Handcart Pioneers, but they were internalizing their stories. There began to be an ever growing reverence in relation to these sites.

Virtually all pioneers that went to Oregon, California, Utah or other western destinations went through the Sweetwater valley past Independence Rock and Devils Gate. These areas became favorite camping locations because of the Sweetwater River and the geologic wonders. Less than 1%, however, of the pioneers who trekked the plains of Wyoming ever went into Martin's Cove. Every pioneer who used Martin's Cove was a member of the Martin Handcart Company or the Hunt and Hodgett wagon companies that were directly behind the Martin company and eventually joined them at Martin's Cove.

In discussing the area with the Sun family it became obvious that they likewise had never used Martin's Cove with the exception of occasionally grazing during the winter. It is obvious that it has very little agricultural value as Tom Sun and his family never approached the Federal Government to purchase the land even though they continually bought other land along the Sweetwater River. The ground is largely granite boulders and a large sand dune. It is located approximately one and one half miles north of the Oregon, Mormon and California Trails.

Although Martin's Cove is on the National Register of Historical Places, without the Martin Handcart Company and Brigham Young who sent rescuers from Salt Lake City, the Cove would have no meaning and be of no value historically or for agriculture purposes.

There are thousands of stories of the Martin Handcart Company that have been discovered since 1992 that are being told at Martin's Cove. Two of those stories are contained at Exhibits E and F of this testimony. The accounts of heroism are well worth the readers time. Please take the time to read and learn of the events that occurred in October of 1856.

One very brief story of a young woman and her fiance is as follows:

Sarah Ann Franks (21) and George Padley (20) were both from England. They became engaged but wanted to be married in the Endowment House, the equivalent of LDS temples today, in Salt Lake City. They joined themselves with emigrants that eventually became the Martin Handcart company.

Sarah and George made their way across the Atlantic Ocean and then across the plains of America. They reached the last crossing of the Platte River near Red Buttes when the October snow storm hit the ill fated Martin Handcart Company. George was a strong young man and therefore spent the majority of the day on October 19, 1856 helping others across the Platte River.

Due to the extreme exposure to the cold, George became ill, suffered hypothermia, and eventually died in Martin's Cove.

The Journals of the Martin Company are very graphic as to what happened when the dead were buried in shallow trenches of snow. The wolves would come in and devour the dead bodies. The horrible sound of the snapping and snarling wolves was only exceeded by the graphic look of the area after the wolves had finished their work leaving body parts strewn about in the snow.

Sarah did not want this to happen to her beloved George. She therefore took off one of the few things she had to keep warm, a shawl. She asked the men responsible for burial duty to wrap George in the shawl and hand his lifeless body in a tree to keep him away from the wolves.

As Sarah departed Martin's Cove, the last thing she saw—her fiance George Padley's dead body hanging in a tree, wrapped in her shawl. Only through the willingness to serve others that these two young people pos-

sessed were they not allowed the privilege of marriage and a family. Our world today could learn much from such sacrifice.

The Church of Jesus Christ of Latter-day Saints owns and operates historical sites and visitors centers through out the United States and Canada. The sole reason to own and operate these sites is to make them available to the public and tell uplifting historical stories like that of Sarah and George. The Church spends an inordinate amount of money maintaining these sites in a pristine state. Volunteers serve in these centers and sites to allow visitors to obtain a complete knowledge of the history, meaning and application of that knowledge in the every day life of the visitor. The track record of the Church speaks for itself not only for these historical sites but Martin's Cove operation as well.

Since acquiring the Sun Ranch properties, hundreds of thousands have visited Martin's Cove. Access prior to that time had been very limited and the BLM had done nothing to make it accessible to the public.

The Church has expressed its interest in not only maintaining the status quo at the Visitor's Center but would like to expand its operations on additional Sun Ranch lands. The Church has preserved the history of the Martin Handcart Company, other pioneer companies and ranch life on the Sweetwater River. At its own expense the Church constructed and maintains a "Peoples of the Sweetwater" museum at the Sun Ranch headquarters.

During the summer of 2001 the Church participated in and allowed an archeological dig by the University of Wyoming to locate an old fort that once stood on Sun property. Plans are currently underway to reconstruct a replica fort. After reviewing the continual outlay of funds and the extensive work completed it is obvious that the intent of the LDS Church is to make the properties available to the general public.

The vast majority of the visitors to Martin's Cove continue to be members of The Church of Jesus Christ of Latter-day Saints. There is little interest in the Cove from other groups as it has no real historical significance to them.

The Church of Jesus Christ of Latter-day Saints is therefore the most likely and most dedicated caretaker of the land where these events that affect their people took place. No other group will ever have the interest level in the area that the LDS people have. Likewise there are few groups with the resources necessary to maintain and preserve the area of Martin's Cove like The Church of Jesus Christ of Latter-day Saints.

SUMMARY

FACTS:

- Less than 1% of all the westward emigration pioneers used Martin's Cove. It is on the north side of the Sweetwater and was only used by the Martin Handcart Company. It has no historical significance to any other group.
- During the 140 years that the Bureau of Land Management exclusively controlled Martin's Cove it did little or nothing to make the area of Martin's Cove available to the general public.
- The Bureau of Land Management did not have funds to assist in the major construction costs of developing and interpreting the Martin's Cove site or the Willie Handcart Sites.
- The Church of Jesus Christ of Latter-day Saints made the entire Sweetwater Valley from Devil's Gate to Muddy Gap, including Martin's Cove, available to the general public at no cost to the public.
- The Church of Jesus Christ of Latter-day Saints built the following with donated labor and Church funding on land owned 100% by the Church:
 1. Visitor's Center
 2. 150 Handcarts
 3. Peoples of the Sweetwater Museum
 4. Construction of trails in and out of Martin's Cove—the BLM did provide design expertise and materials along with some labor. The labor to a large extent however was provided by local Wyoming members of the Church of Jesus Christ of Latter-day Saints.
 5. A vehicle bridge over the Sweetwater River
 6. A foot bridge over the Sweetwater
 7. Water wells for drinking water
 8. Restrooms in multiple locations
 9. Improved or constructed new roads on the Sun Ranch to improve access
 10. Alteration of the highway to provide save access
 11. Extensive fence work

12. Two large campgrounds that will accommodate up to 850 people each on the Sun Ranch along the Sweetwater.
13. One campsite on Sun land near Independence Rock along with a water well.
14. Chapels, barns, shops and other infrastructure to support the Visitor's Center
15. Interpretive signs on the trail to Martin's Cove
16. Highway signs
17. Picnic areas with sturdy tables, shade trees and water
18. Parking lots
19. Mobil home park for Couple Missionary Staff
20. Two duplex apartment homes for missionaries
21. Renovation of existing ranch homes for the occupancy of missionary couples
22. RV trailer park for visitors

Few if any organizations have or would commit the financial resources to construct and maintain such a facility.

- Since opening the Visitor's Center at the Sun Ranch on May 3, 1997 an average of 50,000 visitors have made the trip to this remote location in Wyoming to learn of the westward migration and more particularly the Handcart history.
- The Church of Jesus Christ of Latter-day Saints maintains a staff of 68 full time volunteer missionaries who at their own expense come to teach visitors about Martin's Cove, the other historical pioneer trails, the Sweetwater River ranch history and the history of the entire western migration. These missionaries are not employees of the Church. They leave their homes, families and grandchildren to come to Wyoming and fight with mosquitoes and the Wyoming wind and cold for the privilege of teaching others about this aspect of history.
- The Church of Jesus Christ of Latter-day Saints tried repeatedly over a period of several years to acquire additional historic sites along the Trail corridor to exchange with the BLM for Martin's Cove. Although the Church purchased land of greater historical value, the Sixth Crossing of the Sweetwater is part of all the Trails and the majority of all pioneers crossed there while Martin's Cove is off the trail and was only used by the Martin Handcart Company, the BLM turned down offers to exchange equal acres of this land for equal acres of Martin's Cove.
- Access to Martin's Cove has never been restricted by The Church of Jesus Christ of Latter-day Saints and will not be as long as individuals and groups entering the Cove conduct themselves in an appropriate manner for the nature of the site and what occurred there.
- The Church of Jesus Christ of Latter-day Saints has participated in and sponsored archeological work by the University of Wyoming and Brigham Young University on lands it purchased from the Sun family.
- No extensive archeological projects have been allowed on lands controlled by the Bureau of Land Management near Martin's Cove.
- The Church of Jesus Christ of Latter-day Saints has a very good track record of managing historical sites and visitor centers through out the United States and Canada. The Church currently owns and operates 13 historical sites and 15 visitor centers throughout the world. These facilities accommodated over 5 million visitors during 2001.

Access to the public is granted free of charge. Although access is completely free of charge and granted to all who wish access, the vast majority—97%—of all visitors are members of The Church of Jesus Christ of Latter-day Saints. This again is logical and verifies that it has very little if any significance to other groups of interested Trail enthusiasts.

ARGUMENTS:

Access

It has been argued that if The Church of Jesus Christ of Latter-day Saints was allowed to purchase Martin's Cove that it would be able to restrict access into the area. This argument runs cross current to the Church's proven track record and dedicated desire to make historical sites available to the public at no charge.

The access argument cuts both ways. Those who raise this red herring need to ask themselves, has the Federal Government ever changed its position on land access? Other government-managed facilities have an entrance fee. Could an entrance fee per head be in the future of a BLM controlled Martin's Cove?

The issue of access indeed is a red herring when one considers the track record of The Church of Jesus Christ of Latter-day Saints. The Church allows free access

to all its facilities. If access is a concern, proper language can be crafted by attorneys to assure access by the public as long as activities and behavior patterns are practiced by visitors.

Precedent

The precedent issue really does not exist. Every argument about precedent revolves around special interest groups wanting preferential treatment to sites special to their interests.

The Church of Jesus Christ of Latter-day Saints has made the following offer:

1. Repay the BLM for any expenses incurred in the construction of the foot trail into Martin's Cove.
2. Pay the "fair market appraised value" for Martin's Cove and surrounding lands.
3. Maintain Martin's Cove at the same or better status as the Federal Government has done.
4. Guarantee access to the general public within the same parameters as set out by the BLM in the existing lease.
5. Make access to Martin's Cove free of charge to the public.
6. Pay for all upkeep, improvements, electrical and other utilities, property taxes, lease fees and repairs to the property. This continues as long as the property is in operation and no cost can be retroactively charged back to the Federal Government.
7. Assume all liability for the property and its operation.
8. Staff the site with qualified tour guides seven days a week every day of the year during operating hours.

If any other special interest group wishes to acquire a historical site on the same terms the Federal Government should strongly consider it. It really is a "no start" business argument to say that a detrimental precedent is set through H.R. 4103.

The precedent issue has its roots in special interest groups who want the Federal Government to give them public assets and then the same special interest groups wish to limit public access to those assets. This is not a level playing field and should not be considered in comparison to H.R. 4103.

The Federal Government is very good at managing many things. If however the private sector is able to offer to manage a historical site or any other aspect of government at the same or better level and less cost to the public than the Federal Government can, then the Government should accept the offer, monitor the results, and apply its capital and manpower resources to other endeavors.

For years the Federal Postal system was the only and best way to deliver packages and letters in the United States. Somewhere in the 1970's a group of private sector individuals determined that they could provide the same service as the Federal Government at a lower cost for packages and overnight deliveries. The Government evaluated the process, security, cost and all other factors. It eventually was determined that the offer to relieve the Federal Government of part or all of this responsibility should be considered, evaluated and tried. Hence the birth of UPS and FedEx. Both these private businesses have replaced a portion of the Federal Government's obligations by assuming the liability. No one however has been able to replace the day-to-day delivery of mail so the Federal Government has retained that segment of the delivery business.

In the case of Martin's Cove, again the private sector has volunteered to and has proven that it can manage this particular historical site better than the Federal Government at a lower cost to the public—nothing is lower than free. It is therefore my belief that the Federal Government should monetize the asset and apply those funds as well as its maintenance funds and expertise in other areas that the private sector is not capable of administering.

The Church of Jesus Christ of Latter-day Saints not only has offered to manage Martin's Cove and make it available to the general public but has proven through its track record that it is able to manage and has managed the property to make it available to the public better and at a lower cost than the Federal Government can.

Separation of Church and State

The opposition of H.C. 4103 raises the separation of Church and State issue. Like the access issue this argument cuts both ways. A very strong argument can be made for the reality that Martin's Cove was never used by any group other than the members of the Martin Handcart Company, hence the name—Martin's Cove. What then is the Federal Government wanting to manage a religious historical site for. Especially when The Church of Jesus Christ of Latter-day Saints will:

1. Assume the liability of the property

2. Make the Government whole financially
 3. Make the property available to the public at no cost
 4. Maintain the property at the same level or better than the Federal Government has
 5. Staff the property with tour guides
 6. Discuss not only the Mormon history but all westward migration history
- A very valid question under those conditions is—Why would the Federal Government wish to expend funds under such conditions? It would appear that the Federal Government needs to separate itself from the Church in this instance.

CONCLUSION

In conclusion, I believe that given all the arguments The Church of Jesus Christ of Latter-day Saints is the best caretaker of Martin's Cove. I believe that the interests of the general public will be better served long term by the stability of that management.

It has been a privilege to speak to you concerning these matters. For me, having Martin's Cove available to the public and members of the Church is a life long dream. Thank you for your time and consideration to this very worthwhile and necessary endeavor in preserving a vital portion of American and LDS history. I would be pleased to answer any questions you might have of me.

NOTE: Exhibits attached to Mr. Lorimer's statement have been retained in the Committee's official files.

Mr. RADANOVICH. Thank you, Mr. Lorimer. I appreciate that.

Ms. Barbara Dobos, welcome. Again you may begin your statement. And it's going to sound—if you can talk like you're talking a little louder than you normally do, it's probably going to be just right for people to hear you.

Ms. DOBOS. Mr. Chairman, can you hear me?

Mr. RADANOVICH. You have to yell.

STATEMENT OF BARBARA DOBOS, CASPER, WYOMING

Ms. DOBOS. Mr. Chairman, and Members of the Committee, thank you for the opportunity to address the House Subcommittee on National Parks, Recreation and Public Lands.

I'm opposed to H.R. 4103, Martin's Cove Land Transfer Act. There are many compelling reasons why I believe this proposed legislation should not be enacted into law, but in the interest of time I will focus on but a few of these.

Passage of this bill will create a terrible precedent for selling off our national historic, prehistoric public sites to special interest groups by political means. The bill would circumvent the National Environmental Protection Act, Federal Policy Land Management, the National Historic Preservation Act, and other safeguards this nation has relied on to ensure the protection of our nation's historic and cultural treasures. These types of actions may signal that we are entering an era of public land management by congressional decree. No BLM-administered National Register of Historic Places site has ever been sold to a private entity. If the BLM were forced to transfer title of Martin's Cove, let alone an entire two-and-a-half sections of our public land, it will be selling off the National Register site at Martin's Cove, and part of the Tom Sun National Landmark at Independence Rock. These are all historic sites along the world renowned historic Pioneer Trails Corridor.

At the present time the public land at Martin's Cove is managed by cooperative agreement between the BLM and the Church. Good relations exist between both parties. Even though the Church now claims they just want to assure public access to Martin's Cove, the

fact remains that the church has always been dead set against granting of permanent public easement to the Federal Government.

Citizens are now being asked to comment and support a bill when neither the selling price nor the disposal of the sale proceeds is being disclosed, let alone guaranteed public access.

This special interest legislation stipulates that the land will be appraised on the basis of fair market value compared to recent exchanges and purchases of other historic property in Wyoming.

Not only is there a lack of comparable sales in the area that meet such criteria, but also it is impossible to appraise intangible property with cultural and historic value.

In the past few years the public has become increasingly aware of the tendency of the government to get the short end of the stick in appraisal on public land.

There is a real danger that if the Church is successful in obtaining the 1640 public land acres, or even the approximately 200 acres of the existing trail system into Martin's Cove, they could designate any place they want as sacred ground and lend a single interpretation to history to the trails corridor which belongs to the BLM, and the state would have no jurisdiction over archeological and cultural materials on private property.

Research, preservation, and interpretation would be the purview of the property owner, without public oversight, as presently exists with the BLM.

The Federal Land Policy Management Act clearly says it is the policy of the Federal Government that public lands will be retained in public ownership unless, as a result of the land use planning process, it is determined to be in the public interest to get rid of it.

In this case there has been no planning decision.

This Federal Land Policy was enacted to assure long-term goals for the National Historic Trails, to protect them, interpret them, make them accessible to the public where possible, and see that they are available for the public to study, use and enjoy for generations to come.

Adhering to these objectives offers a better solution for preserving our national historic sites than selling them to special interest groups. Selling Martin's Cove, as H.R. 4103 dictates, is not in the public interest.

American history belongs to all Americans, not to a special interest few.

Thank you very much.

[The prepared statement of Ms. Dobos follows:]

Statement of Barbara Dobos, Casper, Wyoming

Mr. Chairman and members of the Committee:

Thank you for the opportunity to address the House Subcommittee on National Parks, Recreation and Public Lands.

I believe I am qualified to comment on H.R. 4103. I am a former Wyoming Legislator with a life-long interest in public policy. I have been a resident of Wyoming for 51 years. I hold a degree in anthropology and history from the University of Colorado and a teaching certificate from the University of Wyoming. I taught social studies in the public schools for 23 years and have served on numerous community, state and regional boards.

I am opposed to H.R. 4103, cited as the "Martin's Cove Land Transfer Act.

Overview:

Legislation that would give the Mormon Church a preferential and exclusive right to purchase public lands in a National Historic area near Devil's Gate and Independence Rock in Natrona County, Wyoming, has been introduced in Congress. The bill is sponsored by Representative Jim Hansen and cosponsored by Mr. Matheson, Mr. Cannon, Mr. Faleomavaega, Mr. Doolittle, Mr. Herger and Mr. Flake.

H.R. 4103 would set a bad precedent. It would allow special interest groups to acquire national historic sites through political means and weaken the federal process for land management. The bill circumvents the National Environmental Protection Act (NEPA), the Federal Land Policy Management Act (FLMA) and other safeguards this nation has relied on to insure the protection of our national historic and cultural treasures.

Those who maintain that this legislation would not be precedent-setting need to ask why native Americans are saying the bill might be a good idea and that they too are thinking of public land areas they'd like to have.

If the BLM is forced to transfer title of this federal land it would be selling off the National Register site at Martin's Cove and the Tom Sun National Historic Landmark near the Devil's Gate and Independence Rock historic sites along the world renown historic pioneer trails corridor.

Proposed Legislation:

"Martin's Cove Land Transfer Act" (H.R. 4103), instructs the Secretary of Interior to sell Martin's Cove and 1,640 acres of surrounding public lands to the Mormon Church.

The bill not only would circumvent established national policy meant to protect public lands, but would also open the door to other special interest groups wishing to claim historic sites.

No BLM-administered National Register of Historic Places site has ever been sold before to a private entity. At the present time, the public land at Martin's Cove is managed by a cooperative agreement between the Bureau of Land Management and the LDS Church Farm Management Company. Good relations exist between both parties. Many Wyoming citizens believe the privatization of our public land at Martin's Cove would run counter to the interest of the American public and federal policy.

Appraisal:

This special interest legislation stipulates that the land will be appraised on the basis of fair market value compared to recent exchanges and purchases of other historic property in Wyoming. Not only is there a lack of comparable sales in the area that meet such criteria, but also it is impossible to appraise intangible property with cultural and historic value. In the past few years the public has become aware of the tendency of the government to get the short end of the stick in appraisals of public land.

Hypothetically, if the land were appraised as grazing land the market value might be as low as \$50 to \$75 an acre. Even at \$100 per acre, the proceeds of the sale would net only \$164,000 for this parcel—for the sacrifice of an enrolled National Register historic site of national significance! Citizens are being asked to comment and support the bill when neither the selling price nor disposal of the sale proceeds are being disclosed.

In the earlier draft legislation proposed by Representative Barbara Cubin the proceeds of the sale of Martin's Cove were to go to help finance the National Historic Trails Interpretive Center in Casper. Selling off the original land to help fund a museum to memorialize it makes no sense at all.

History of Martin's Cove:

Martin's Cove overlooks the historical routes of the Oregon, California, Mormon and Pony Express National Historic Trails. The entire area, including Martin's Cove, is replete with legendary landmarks of prehistoric Native Americans, Mountain Men and the U.S. Westward movement. Martin's Cove is but the site of a single tragic event in the vast history of Wyoming and the nation.

The trails corridor, which includes the Mormon Trail and the other three national historic trails on the same alignment, was used by perhaps as many as 500,000 immigrants over a 50-year period. According to Dr. David Love, former chief geologist for the U.S. Geological Service, from the 1840s through the early 1860s, some 50,000 people and 200,000 animals each year passed along the trails corridor. Love goes on to say that a 400-mile long swath, and in some places as much as 20 miles wide, cut across what is now the state of Wyoming.

Environmental Considerations:

Jere Krakow of the Long Distance Trails Office of the National Park Service said, "We can be assured that the continued impacts to all the trails will be considerable. Heavy visitation threatens not only the dunes at Martin's Cove, but the inscriptions near Devil's Gate. In addition, traffic (vehicular and foot), will temper the experience visitors have."

Krakow believes visitation levels could introduce an element of "loving it to death" without careful management. Additional impacts on the area include increased water and sanitation needs and more and more campgrounds in a fragile environment. These are serious problems that need to be addressed by the collaborative efforts of federal and private stakeholders.

Historic Interpretations:

The church has a collection of historic sites, visitors center, museums and annual pageants used to educate those unfamiliar with the faith's past and present teachings. Should they obtain Martin's Cove, there is no reason to believe that this practice will not continue. This kind of ownership fosters a single interpretation of history and allows for restricting public access during religious events.

According to eminent trail historians Aubrey Haines and Paul Henderson, the actual "rescue" of the Martin Company did not occur at the present Church-designated location at Martin's Cove. Contemporary historic researcher Lyndia Carter of Springville, Utah concurs with their analysis.

Trail historian and author Gregory Franzwa said, "I don't know if this is a sacred site any more than the thousands of other Mormon burials along the line." He questions, "Are they all sacred and all going to be owned by the church?"

There is a real danger that if the church is successful in obtaining 1,640 public land acres, vastly more than the existing trails system into Martin's Cove; they could designate any place they wanted as sacred ground. The BLM and the state have no jurisdiction over archaeological and cultural materials on private property, so research and interpretation would be the purview of the property owner.

From the Mormon owned Willie's handcart site on Rock Creek one might extrapolate what Martin's Cove could become under church ownership. It is a nearly textbook illustration of helter-skelter development. A crowning example is the placement of amphitheater benches across the historic trails. The trail ruts coming into the creek valley from the east and the ruts ascending the valley to the west are clearly visible on either side of the benches.

The church is currently building a structure they say is a replica of Seminole's Fort a trading post built along the trails corridor in 1852 by Charles "Seminole" Lajueness.

The building is being constructed of huge cedar supports and 12" sawn cedar siding from Canada. There isn't much pretense of historical accuracy. In 1855, when the fort was in use, the means they would have had was a typical wagon they could take to the Ferris Mountains. They would have cut poles and small logs and hauled them back to Devil's Gate. There were no sawmills.

BLM has spent over \$200,000 in taxpayer dollars designing, developing and constructing the Martin's Cove foot trail on federal and private land. The Cove is situated on a fragile sand dune. Prior to the design and construction of this foot trail, automobiles and two track roads did considerable ecological damage. Because of BLM management, the area today is protected by strict federal regulations that could be ignored if the area were sold into private hands.

Conclusion:

The Federal Land Policy Management Act of 1976 clearly states that any parcel of federal land with important public values generally will not be offered for direct sale, lease or exchange. This policy was enacted to assure long-term goals for the National Historic Trails to protect them, interpret them, make them accessible to the public where possible, and see to it that they are available for the public to study, use and enjoy for generations to come.

Adhering to these objectives offers a better solution for preserving our national historical sites than selling them to special interest groups. H.R. 4103 legislation is not in the public interest. American history belongs to all Americans, not the special interest of a few.

Wyoming's Great Historic Trails 1840-1861:

The Oregon Trail – 1843-1868:

Although its name has come to symbolize the entire western covered wagon emigration, the Oregon Trail is a distinct wagon road that stretched 1,932 miles from Courthouse Square in Independence, Missouri to Oregon City on the Willamette River in Oregon country. The trail entered Oregon territory when it crossed South Pass.

The actual route is well marked by BLM concrete marker posts and by white carsonite stakes. Much of the Trail west of Casper is located on public lands and is visible and accessible. Auto tour route signs are posted on public roads and highways paralleling the Trail.

The California Trail – 1841-1868:

This trail is best known for the incredible amount of traffic it carried during the California gold Rush years of 1849 through the mid-1850s. However, the first two wagon trains that headed west in the years 1841 and 1842 were bound for California, not Oregon. The California trail continued to split traffic with the Oregon Trail before and after the Gold Rush.

The California Trail shares its route with the Oregon and Mormon trails. During the Gold Rush years, most of the California-bound emigrants elected to take any one of a series of shortcuts west of South Pass. Trail Marking and land ownership patterns are the same as the Oregon and Mormon trails.

The Mormon Pioneer Trail – 1846-1868:

This 1,297-mile trail links Nauvoo, Illinois with Salt Lake City, Utah. The western stretch of the trail across Wyoming was opened in 1847 when the church leader Brigham Young led a pioneer party of 148 Latter-day Saints and 72 wagons from the Missouri river to their new permanent home in the Salt Lake Valley.

The Mormon Pioneer Trail through Wyoming is roughly identical to the Oregon Trail from Fort Laramie to Fort Bridger. The same pattern of land ownership and trail marking apply.

The Pony Express Trail – 1860-1861:

For eighteen months starting in April 1860, the Pony express was the talk of the nation. Since that time it has become a legend the world enjoys. The firm of Russell, Majors and Waddell turned the idea into reality and a crew of “young, skinny, wiry fellows...expert riders willing to risk death daily” carried it out. Each rode over 100 miles a day, changing horses every 10-15 miles, carrying the mail 2,000 miles in ten days, sometimes less. The completion of the transcontinental telegraph in October 1861 signaled the end of the Pony Express.

The Pony Express Trail follows the Oregon and California trail routes through eastern Wyoming and South Pass to Fort Bridger. From there it makes use of the Mormon Trail into the Salt Lake valley. The route is well marked, both along the actual trail and on parallel highways and byways. Much of the Trail is on BLM public lands west of Casper.

Mr. RADANOVICH. Thank you very much, Ms. Dobos. Appreciate your testimony.

Next we'll move to the Honorable Fred Parady. Fred, welcome. And again you may begin your presentation.

**STATEMENT OF THE HON. FRED PARADY, WYOMING STATE
LEGISLATURE, ROCK SPRINGS, WYOMING**

Mr. PARADY. Thank you, Mr. Chairman, Representative Cubin, and other Committee Members. I'm Fred Parady from Rock Springs, Wyoming. Welcome to Wyoming, and welcome home, Barbara.

I thank you for the opportunity to appear before you today. I have the honor of serving in the Wyoming legislature as a member of the House of Representatives. I appear today on my own to express my personal support for the legislative concept advanced in H.R. 4103 that allows the Church of Jesus Christ of Latter-day Saints to own Martin's Cove.

Last February, I joined with 54 of my fellow legislators in the House and Senate in sending a letter to the Wyoming congressional delegation expressing our support for the Martin's Cove legislation.

I wish to make plain this was not official legislative action. Moreover, no specific congressional legislation on Martin's Cove had yet been introduced. H.R. 4103 had not been introduced. Therefore, our letter was simply an expression of support for the concept of conveying ownership of Martin's Cove to the LDS Church. The legislators that signed that letter were from both political parties, from many different religions, and from cities throughout Wyoming. Attached to my comments is a copy of this letter as Exhibit 1.

I need to emphasize that our letter also supported the idea of having proceeds from the sale of Martin's Cove remain in Wyoming, and directed to the short and long-term benefit of the National Historic Trail Center in Casper.

In truth, Martin's Cove is a historic trail site in Wyoming, and it is logical and advisable that proceeds from its sale be used for historic trails purposes in Wyoming. This is an important legislative change that needs to be made to H.R. 4103.

I am also submitting for the record a copy of an editorial on Martin's Cove by Senator Bob Peck as Exhibit 2. Senate Peck is a highly respected legislator in the Wyoming capitol. His piece accurately portrays the commendable efforts of Wyoming citizens in Fremont County who traveled long distances during winter months to fix up the former Sun Ranch to handle the needs of visitors at Martin's Cove. Members of the LDS Church throughout Wyoming, including my home town of Rock Springs, also traveled hundreds of miles to Martin's Cove to participate in these volunteer efforts.

Mr. Chairman, the next point I wish to make concerns the positive LDS impact on Martin's Cove. For years I have traveled extensively throughout Wyoming on personal, legislative, and business purposes, reasons. Prior to the involvement of the LDS Church at Martin's Cove, I did not know the location of the site, even though I had passed by it and Independence Rock and Devil's Gate many, many times on my way to Casper on business. It was my direct ex-

perience that Martin's Cove was inconspicuous and indistinct during the years that the BLM managed the site alone.

That has markedly changed due to the positive impact of the LDS Church members in Wyoming. The history of the Cove and its location are more broadly known and recognized.

Tens of thousands of visitors come each year to Martin's Cove, which is impressive for a site that is not located near a city, is not near an interstate, and does not even have highway services nearby.

It is vibrant to visitors, especially during summer season.

One point bears specific emphasis. Regardless of your view of H.R. 4103, the Wyoming members of the LDS Church deserve great credit for their work in bringing the history of Martin's Cove to light, and for making public visitation to the site possible.

They've constructed a sturdy bridge, a walkable trail, a museum. All of that was built through their efforts. What they have done is truly commendable and their efforts at Martin's Cove are an outstanding contribution to our great state.

In my view some of the claims leveled against conveying Martin's Cove to the LDS Church are over done or overblown. Would digress from my text for a moment, and note this is not a tempest in a teapot, it's a tempest in a Tribune. Criticism that LDS ownership would restrict access, it would hurt the historic area and minimize the nearby historic sites is simply not fair and completely incongruent with the fine work that has been done there.

In fact, the exceptional devotion the LDS have demonstrated for the Cove is the very reason that they would do the best job caring for the history and site.

While I am not of the LDS faith, I firmly feel that the Martin's Cove conveyance is the right thing to do. The LDS Church has clearly demonstrated its commitment to openness by building the infrastructure necessary to sustain that.

My second point concerns the economic and tourism benefits for Wyoming. Wyoming's travel and tourism industry has benefited significantly from the involvement of the LDS Church at Martin's Cove. Quarter of a million people—

Mr. RADANOVICH. If you want to sum up, we're running out of time.

Mr. PARADY. A quarter of a million people visited the site since it opened, generating millions of dollars of business for Wyoming's very small businesses.

Finally, from a matrix standpoint, the final Martin's Cove legislation should only convey the essential amount of land that relates to its history. I don't know how much acres that is, but I trust that this Subcommittee can work with the state holders to set those boundaries at their appropriate level.

Mr. Chairman, I believe that others like me will offer recommendations on H.R. 4103. Whatever the deficiencies of the bill in its current form, they can be addressed by amendment and they do not invalidate the underlying concept the bill advances.

[The prepared statement of Mr. Parady follows:]

**Statement of The Honorable Fred Parady, Wyoming State Legislature,
Rock Springs, Wyoming**

Mr. Chairman, Representative Cubin, and other subcommittee members: I am Fred Parady from Rock Springs, Wyoming. Welcome to Wyoming and thank you for the opportunity to appear today.

I have the honor of serving in the Wyoming State Legislature as a member of the House of Representatives. I appear today on my own to express my personal support for the legislative concept advanced in H.R. 4103 of allowing the Church of Jesus Christ of Latter-day Saints (LDS) to own Martin's Cove.

Expressions of Wyoming State Legislators

Last February, I joined with 54 of my fellow legislators in the House and Senate in sending a letter to the Wyoming congressional delegation expressing our support for Martin's Cove legislation. I wish to make plain that this was not official legislative action. Moreover, no specific congressional legislation on Martin's Cove had yet been introduced. Therefore, our letter was simply an expression of support for the concept of conveying ownership of Martin's Cove to the LDS Church. The legislators that signed the letter were from both political parties and were from cities throughout Wyoming. Attached to my comments is a copy of this letter (Exhibit 1).

I need to emphasize that our letter also supported "the idea of having proceeds from the sale of Martin's Cove remain in Wyoming and directed to the short and long-term benefit of the National Historic Trails Center in Casper." In truth, Martin's Cove is a historic trails site in Wyoming and it is logical and advisable that proceeds from its sale be used for historic trails purposes in Wyoming. This is an important legislative change that needs to be made to H.R. 4103.

I am also submitting for the record a copy of an editorial on Martin's Cove by Senator Bob Peck of the Wyoming State Senate (Exhibit 2). Senator Peck is a highly respected legislator. His piece accurately portrays the commendable efforts of Wyoming citizens in Fremont County who traveled long distances during winter months to fix up the former Sun Ranch to handle the needs of visitors at Martin's Cove. Members of the LDS church throughout Wyoming, including the Rock Springs area, also traveled hundreds of miles to Martin's Cove to participate in these volunteer efforts.

Positive LDS Impact on Martin's Cove

For years, I have traveled extensively throughout Wyoming, both for personal reasons and on legislative business. Prior to the involvement of the LDS church at Martin's Cove, I did not know the location of the site, even though I had passed it many times on the highway. It was my experience that Martin's Cove was inconspicuous and indistinct during the years the Bureau of Land Management (BLM), alone, managed the site.

That has markedly changed due to the positive impact of the LDS church members in Wyoming. The history of the Cove and its location are now more broadly known. Tens of thousands of visitors come each year to Martin's Cove, which is impressive for a site not located near a city, Interstate or even highway services. It is vibrant with visitors, especially during the summer season.

One point bears specific emphasis: Regardless of one's view about H.R. 4103, the Wyoming members of the LDS church deserve great credit for their work in bringing the history of Martin's Cove to light and for making public visitation to the site possible. What they have done is truly commendable and their efforts at Martin's Cove are an outstanding contribution to the State.

In my view, some of the claims leveled against conveying Martin's Cove to the LDS Church are overdone. Criticism that LDS ownership of the Cove would restrict access, that it would hurt the historical heritage of the area, and that it would minimize the nearby historic sites is simply not fair and is completely incongruent with the fine work Wyoming citizens have done at the Cove.

In fact, the exceptional devotion the LDS people have demonstrated for the Cove is the very reason they would do the best job caring for the history and ecology of the site. While I am not of the LDS faith, I firmly feel that the Martin's Cove land conveyance is the right thing to do.

Economic/Tourism Benefits for Wyoming

Wyoming's travel and tourism industry has also benefitted from the involvement of the LDS church at Martin's Cove. A quarter-million people have visited the site since it opened generating millions of dollars of business for motels, restaurants, stores and service stations throughout Wyoming. Its location in the heart of the state requires visitors to spend extended time in Wyoming. The Cove has proven

to be a historic site people want to see and we should do all we can to encourage people to come.

Acreage Considerations

From an acreage standpoint, final Martin's Cove legislation should only convey the essential amount of land that relates to its history. While I do not know how many acres that is, I trust this subcommittee will work with the BLM, the LDS church, historians and other stakeholders to make the best determination of conveyance boundaries.

That said, it is important to remember that the BLM manages one-eighth of the landmass of the United States, most of it concentrated in the interior west. In Wyoming, the BLM manages over 18 million surface acres, almost 30 percent of the state. This perspective is useful for two reasons.

First, the manpower and financial resources of the BLM in Wyoming are stretched over a vast area. Their inability to do much at Martin's Cove over the years clearly demonstrates the limits of these resources and argues in favor of LDS ownership.

Second, in Wyoming, where the BLM owns such a huge amount of land, I believe there is room to respect the ownership request of the LDS church, especially when they have arguably done more to advance the public and historic interests of the site than the Federal Government.

Conclusion

I believe that others, like me, will offer critique and recommendations on H.R. 4103. However, whatever the deficiencies may be, they can be addressed by amendment and they do not invalidate the underlying concept the bill advances.

Mr. Chairman, this concludes my testimony. I would be pleased to respond to questions members of the Committee may have.

[NOTE: A letter attached to Mr. Parady's statement from the Wyoming State Legislature is identical to the one submitted by Ms. Kennell. See page 51.]

Mr. RADANOVICH. I want to keep everybody in mind if you feel like within that time-frame you didn't get the opportunity to say everything you wanted, we do have the written testimony which I think covers everything very well in the record, so I think we've got everybody covered. Five minutes for some doesn't seem like long enough.

With that we will open up for questions by Members. Mrs. Cubin, did you have any questions?

Mrs. CUBIN. Yes, thank you, Mr. Chairman. As I said in my opening remarks, this bill as it is written today is something that I am very much opposed to. I may oppose it after H.R. 4103 has gone through the entire legislative process, but I am here with an open mind, and I may not. That's why I'm here, so that we can get all the testimony, all the benefits and problems, and come to a reasonable solution.

Representative Hansen is the Chairman of the Committee. And I think it's unrealistic to think this bill doesn't have a chance to pass because of what happens here today. So what I am going to ask of you, and particularly when you come to the microphone for your input, I would like to ask you what changes to this bill could I offer as amendments to make it so that it would be more palatable to those of you who oppose the bill, and to make it a better bill to those of you who support the bill.

So if you would keep that in mind while—while the questioning goes on.

I'm going to start with Mr. Lorimer. One of the main problems is access. Some folks have expressed concern that the Church would shut down access to the Cove if the entire parcel were owned

by the Church. I would like you to comment on that directly, and whether the Church would support an—whether you think the Church would support an access provision in the bill?

Mr. LORIMER. Thank you. I think the answer to that question, Representative Cubin, is in the past. Access has been made available—access has been made available, and it's my understanding from the authorities of the Church, that it will continue to be made available to the general public at no cost.

I think their track record of maintaining 13 visitors, sites and 15 historical sites around the world substantiates that.

So I don't think public access is a problem. However, if there is concern with that, I would suggest that is one thing that you could write into the bill. I cannot speak on behalf of the Church, but I would see no reason why they would object to such language that would guarantee public access forever.

Mrs. CUBIN. Thank you. I'd like to let everyone know I am not LDS, but my grandfather was part American Indian, and one thing that I have observed while this process has been going on, is it seems to me that if we were to replace LDS with American Indian, we wouldn't have so many people up in arms about doing the very thing that this bill asks to do.

In fact, as Mr. Faleomavaega brought out, we've done this many times for Indians. So that's a concern that I have, that I just don't think we want to be prejudiced against a church when we would treat another spiritual organization or group differently, of which I am a member.

I would like to ask Miss Dobos a question. First of all, Mr. Chairman, I ask the Members consent to admit into the record an advertisement that was placed in the Star Tribune by a group that Mrs. Dobos, I believe, is the leader of, or a member of, at the very least, and Chairman Hansen's response to that document.

Mr. RADANOVICH. There's been no objection. So ordered.

[The information referred to has been retained in the Committee's official files.]

Mrs. CUBIN. Thank you. In that recent advertisement, Mrs. Dobos, your group mentioned that proceeds of the sale would net only \$164,000. Would you tell me what that number was based on, and did it include the BLM's improvements to that area?

Ms. DOBOS. Mr. Chairman, thank you. Mrs. Cubin.

Mr. RADANOVICH. Barbara, if I might ask you to speak more directly into the mike so people in the back can hear. I know it's hard.

Ms. DOBOS. Thank you. Can you hear me now?

Mrs. CUBIN. Yes.

Ms. DOBOS. The problem comes with appraisals, and there isn't a person in this room that probably hasn't experienced appraisals; is what is the basis, if you look at fair market value and what are we selling and what are we buying.

That land has always been classified as grazing land, and grazing land in that part of Wyoming is generally somewhere in the 50 to \$75 an acre. Hypothetically, if you say, well, this is \$100 an acre, then you would get such minimal proceeds for such a valuable and historic piece of land, that it really doesn't make any sense.

The proceeds—

Mrs. CUBIN. So that's where the \$164,000 came from, was the grazing value of the land?

Ms. DOBOS. Yes. And I see that there is no other alternative for comparison. Now, if you were—If you were to set a price on it and say this is worth 2 million dollars, that's understandable, but appraisals are tricky.

Mrs. CUBIN. Yes, certainly they are, and I agree with you on that.

If the BLM—obviously the 164,000 did not include the improvements that the BLM has made in the area, and it's my understanding that the Church would pay for those, but if they didn't, I could offer an amendment to make sure that they did.

Likewise, you said in your publication that you don't feel that the historic value of the Cove should also be factored in. You feel that—oh, that it should be factored in, as well as the 250,000 the BLM spent on the area, so the historic value certainly would be something to get a figure on. However, they do it all the time with other historic sites that are quite unique in their varied being, so I don't think that's an insurmountable problem, but it is a legitimate point to bring up. That's another area where I intend to offer an amendment to this bill, to make sure that the value paid includes more than just the grazing value, what the BLM has invested, and historical value.

Have you ever visited the site, Mrs. Dobos?

Ms. DOBOS. Yes, Mr. Chairman; yes, Mrs. Cubin, I've been at this site quite frequently.

Mrs. CUBIN. We're going to be going out there today, so I invite anyone who wants to go out and look at it, to follow along with us.

Mr. Parady, you entered into the record a letter that was signed, by I believe 60 members of the Wyoming legislature; is that correct?

Mr. PARADY. Fifty-four members.

Mrs. CUBIN. And there are 90 members in the entire legislature; is that correct?

Mr. PARADY. Yes, ma'am.

Mrs. CUBIN. So more than a majority of the people in the state legislature who represent people from all over the state, it would appear, favor passage of this bill?

Mr. PARADY. Yes, Representative Cubin, that is correct, and I would note that of the—this was—we have a resolution process on the floor where we pass an informal resolution up and down the aisle for signature, so those who did sign could have chose not to sign, and perhaps didn't get the chance to because it was at the end of the session.

Mrs. CUBIN. Would this be a better bill—yes or no answer—if full access were provided to the public in perpetuity and without restriction? Would this be a better bill?

Mr. PARADY. The only reason I hesitate in answering yes or no—The short answer is yes, but I would think that the type of access might be a negotiable kind of concern.

Mrs. CUBIN. Do you think those members of the Wyoming legislature that signed that letter would still lend the same support for the sale with the conditions of full access, and direction of proceeds to benefit Wyoming?

Mr. PARADY. Yes, I do.

Mrs. CUBIN. Thank you, Mr. Chairman. I yield back at this time.

Mr. RADANOVICH. All right. Thank you, Mrs. Cubin. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I do have a couple of questions. Mr. Lorimer, there seems to be some criticism also in the media that the Martin's Cove is going to come up with only one way of interpreting what history has been, or was at the time. And I wanted to ask you, has there been any other association, or any others that can claim some sense of historical relationship with Martin's Cove other than the LDS Church?

Mr. LORIMER. It is my understanding it was discovered, at Brigham Young University expense, at the request of the BLM, there were two prehistoric—

Mr. FALEOMAVAEGA. Get closer to the mike.

Mr. LORIMER. There were two prehistoric camp sites found there, but other than those two, to my knowledge there has never been anyone else that used it. Even the Sun family only used it for winter grazing. There was no emigrant, no Oregon, California trail people that ever went in there. It's on the north side of the Sweetwater River, and there was no reason to cross the Sweetwater.

Mr. FALEOMAVAEGA. Would you say perhaps the central, overriding theme for the Church's interest in this particular property was because of the tragedy that happened to these early emigrants who came from Europe, well over 200 men, women and children who died in this area? Does this seem to be the reason why the Church is putting so much emphasis why they feel this is a very special ground for consideration then, considered sacred, if you will?

Mr. LORIMER. The preservation of that sacred history is why the church is involved, yes.

Mr. FALEOMAVAEGA. This is not just in terms of an interpretation. Was this based also on journals, and history that were kept by those who survived this tragedy? Is there any—Has there been any data kept of the history, especially those who were able to survive the William Cove tragedy?

Mr. LORIMER. Yes, sir. There is a lot of information, recorded histories, as well as narrative journals that were written after the fact by survivors of the company. I've learned a lot about the history. I am not a historian, and I understand that there are people who feel that things happened in different places, but the Church of Jesus Christ of Latter-day Saints has said this is where, Martin's Cove, the Martin Company buried 56 of their members.

Mr. FALEOMAVAEGA. I'd like to ask Mrs. Dobos just a couple questions also. And I do very well respect your opposition concerning this legislation, Mrs. Dobos.

Mrs. Cubin had made reference to this eight-page newspaper ad that was sticking out, that is opposed—or a written response by the citizens opposed to the sale or exchange of public lands within historic areas. Is this a nonprofit organization, Mrs. Dobos?

Ms. DOBOS. I'm not sure about that. It's a very loosely knit group of people who have supported me because of their sense of we need to speak out in defense of our public lands.

Mr. FALEOMAVAEGA. Could you share with us the estimate numbers of persons that make up this organization?

Ms. DOBOS. All I can tell you is as a result of that publication, I have had notes and checks and support from hundreds of people all over the state of Wyoming, many of whom I don't know, but I do appreciate.

Mr. FALEOMAVAEGA. But before publishing this 8-page article, I just wanted to ask how many of your organization, what was the composition of the members that have had the same concerns you did, concerned with this issue?

Ms. DOBOS. That's a very fluid number and I can't really—I take full responsibility for that publication, and I was the primary contributor in the beginning.

Mr. FALEOMAVAEGA. I see. I'd like to ask Mr. Parady, do you think with the concerns on the part of the petition that was drawn up by the members of the Wyoming state legislature, you mentioned that you do not mind at all if the proceeds of the sale, if this should ever go through, should also be transferred for the purposes of usage by the Historic Trails Center that I know my good friend Mrs. Cubin was a key player in passing this legislation, very important in my opinion. Would there be any objection to the idea that, that there's some assurances given to the legislation that public access will be assured in every way, that the Mormon Church does not make this in any way a private enterprise?

Mr. PARADY. I think such assurances in the bill would go a long way toward moving the bill forward.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. My time is up.

Mr. RADANOVICH. Thank you, Mr. Faleomavaega. If I can have some help from the audience too. I just want to make sure everybody does get the opportunity to listen to the testimony, so I'm assuming those on the top deck probably have the hardest time hearing. If you have a hard time I'll keep an eye on you, would you raise your hand. I'll persuade people to talk a little bit louder.

Thank you. Mr. Rehberg.

Mr. REHBERG. Thank you. Mr. Lorimer, you mentioned two prehistoric campsites. Has your organization or BLM done anything to protect those sites or identify those sites?

Mr. LORIMER. My understanding is those sites are not infringed on in any way—they're not infringed in any way by the trail that was designed—

Mr. REHBERG. What I'm trying to get at, I want to ask you a second question, and I apologize if I interrupt you. We are limited in time as well. I want to ask you as many questions as I possibly can.

What I'm trying to get at, the level of support you believe you have received from the Bureau of Land Management over the course of years that you've become involved, can you give me a percentage of—I saw the figure \$250,000. Is that the extent of the Bureau of Land Management's participation? Have you spent millions? Have you spent hundreds of thousands? Has anybody protected the prehistoric campsite? Have you received any help or are you carrying the load yourself?

Mr. LORIMER. It is my understanding, I do not have exact knowledge, but I have participated in those discussions. The BLM did

contribute the 250,000 for some labor and construction of the trail. Beyond that it has been on the back of the Church.

Mr. REHBERG. What percentage has been your participation?

Mr. LORIMER. If you throw in the purchase of the land as well as the maintenance of the land, the staffing of the land, I would say it's 90-10, 95-5.

Mr. REHBERG. I don't want to say we'll do this if you get the property, but if you get the property, is it the only access across your deeded property to this site? And would it be a fair assessment that if you did get the purchase of this, that if you wanted to you could in fact legally limit access to this site?

Mr. LORIMER. The answer to the first question, to my knowledge the only other way to get in there would be a helicopter. There isn't any other access, it's granite boulders. There is a cooperative agreement in place right now for 2 years where there is guaranteed access through the Bureau of Land Management through Sun land owned by the Church.

Mr. REHBERG. This purchase could be a way of guaranteeing access where there is no guarantee?

Mr. LORIMER. Yes, absolutely.

Mr. REHBERG. Mrs. Dobos, I didn't have the opportunity to see the ad. I did see the response, and I'd like to see the ad if the staff would make that available to me within the next couple of weeks. I guess the question is, in the response it refers to the inaccuracies within the publication. Do you stand by everything you say in this publication, that you say it is entirely correct, that there are no either misunderstandings or inaccuracies?

Ms. DOBOS. Mr. Chairman, Mr. Rehberg, I stand behind everything that is written in this publication. I think that, you know, that anything can be taken out of context, anything can be reinterpreted. If there are inaccuracies in that, I'm not aware of it.

Mr. REHBERG. OK. So the level of support that you have received is based upon what you consider to be an accurate portrayal of the issue, and if there end up being inaccuracies, then we have to weigh the level of support based upon this publication?

Ms. DOBOS. Mr. Chairman, Mr. Rehberg—

Mr. RADANOVICH. Excuse me, if you could, just let it out.

Ms. DOBOS. I will say once again that I take responsibility for what is in that publication. To the best of my knowledge everything has come from documents that were furnished by either the BLM, or from other reliable resources. It was researched over a 9-month period of time, and I believe that reflects the truth.

Mr. REHBERG. Other than the Bureau of Land Management, are you aware of any other—and you used the word special interest many times. I guess I believe everybody belongs to a special interest, and somewhere along the lines it has received a negative connotation. I believe anybody taking a position on a bill, once they do take a position, they have in fact a special interest as well.

Are you aware of any special interest other than the Church that is taking as much of an interest in the protection and presentations to the public as the Church has?

Ms. DOBOS. No, Mr. Chairman, Mr. Rehberg. One of the principal players in that whole trails corridor is the National Park Service and there's been no mention of them. It's not solely the BLM.

Mr. REHBERG. Has the trails, under the National Park Service, developed trails into this site, or are you talking about a corridor that is peripheral to but not a part of, meaning miles away from, and if it wasn't for some other entity or a special interest creating the access to the site it wouldn't have been accomplished?

Are you saying the National Parks Service has done something to improve trails to the site?

Ms. DOBOS. The National Parks Service has a National Trails Office in Salt Lake City, and they monitor what goes on along the trails. I think it's important to put this in perspective, and recognize that Martin's Cove is not any great distance from the trails. Those four historic trails are—it is a corridor. In some places the trails are braided, but it is essentially all of one piece, and you can't separate one from the other.

I think all through the prehistoric and historic period people have used Martin's Cove, which is just a short distance away, and overlooks all of the trails. Is that clear? I'm not sure.

Mr. REHBERG. I guess, Mr. Chairman, if you could bear with me, I'm just trying to find a commitment from any other organization, that you say this is a loosely knit organization, so you've made no, either time commitment or financial commitment to protect this property, and I'm not sure I understand. Has the National Parks Service spent any money or any staff hours building anything at Martin's Cove?

Ms. DOBOS. Mr. Chairman, there's all kinds of reports that has gone into the development of the trails, but all I can tell you for sure is the National Parks Service has been very interested in excavation, archeological excavation of Seminoe's Fort, which is right at the Handcart Visitor Center, and last summer their monetary contribution was \$30,000. But, to be very specific, I do not have a record of the Park Service contributing to the construction of the trails.

Mr. REHBERG. Thank you, Mr. Chairman.

Mr. RADANOVICH. All right. Any other questions of this panel? Mr. Faleomavaega, please.

Mr. FALEOMAVAEGA. Just one follow-up on my friend from Montana. And I just wanted to ask Mrs. Dobos again, when you indicated about the need to—hello?

Mr. RADANOVICH. You need to speak up.

Mr. FALEOMAVAEGA. I'm sorry. I deafen myself.

I want to follow up on the question. Somebody turned the volume up I hope.

I want to follow up on the concerns from Montana about the special interest groups that Mrs. Dobos raised and very valid too, but I'd like to ask her if she's aware that the United States Holocaust Memorial Museum, and the involvement of the Congress and Federal law was passed, some 200 million dollars was raised to build this memorial because of religious beliefs. We all know about the history, about six million Jews who were exterminated by the Nazi regime in those days, but the Federal Government has provided for this special museum. Would you consider this as something less as far as a special interest is concerned, about this important event that took place in World War II that we should honor those who died as a result of this Holocaust?

Ms. DOBOS. Mr. Chairman, I'm not really sure I understand the question. Let me address the matter of the Holocaust as being an enormous tragedy, and certainly having every right to establish a museum in their honor. What we're talking about today here is not so much that the Federal Government has supported public lands, or that they have contributed to special interest organizations, we're talking here just about what is now an established landmark, historic landmark that is protected under very specific laws of the United States. And I am an advocate, because that has worked so nicely in the past, I am in favor of just continuing that process. It's the old adage, you know, if it ain't broke, don't fix it.

Mr. FALCOMAVEGA. So you're not favorable to the LDS Church to purchase the land in Martin's Cove, but you are favorable to what the Federal Government has provided to honor the—those who died as a result of the Holocaust by building a national museum with Federal funds?

Ms. DOBOS. Mr. Chairman, I certainly respect the LDS and all of its members. I think on their private land they have absolute right to do whatever they please. I am speaking only of what I see now as a particular segment of national history that should be kept in the Federal hands, yes.

Mr. FALCOMAVEGA. Mr. Chairman, thank you.

Mr. RADANOVICH. Thank you, Mr. Faleomavaega. Any other questions? Denny?

Mr. REHBERG. No.

Mr. RADANOVICH. Now's your time.

Mr. REHBERG. You may not be able to answer this question, but being from Montana, public land ownership is always of some interest to us, with the land conservation bond there always seems to be more purchases, but I guess my question to you is—I'm looking at the map. Was this land originally created as public property to protect this site by the Bureau of Land Management, do you know, or did this just end up being part of what the Federal Government owned in the state of Wyoming? Do you have any knowledge of the history of this property?

Ms. DOBOS. Mr. Chairman, is that question directed at me?

Mr. REHBERG. Yes.

Ms. DOBOS. Would you please restate it.

Mr. REHBERG. How did the Federal Government end up owning this property in the first place? It wasn't willed by God, so they must have acquired this property somewhere, somehow. Do you know how it ended up being in Federal ownership?

Ms. DOBOS. Mr. Chairman, it may have been willed by God, I'm not sure.

Mr. REHBERG. To the Federal Government?

Ms. DOBOS. Perhaps. That's not part of my insight. It's part of an enormous block of land that was federally owned in the Granite Mountains and Rattle Snake Mountains, and an area called the Sweetwater Rock, and that's all I can tell you. The Sun Ranch is the—What you see is white on that map is the private land. Anything blue is state land, and the rest belongs to all of us.

Mr. REHBERG. Do you know, Mr. Lorimer, how these mosaics were created, Federal and private ownership? And it seems like

somewhere along the line part of the property went into private property. How did this 1600 acres end up in Federal ownership?

Mr. LORIMER. I do not know the specifics of that. I do know that Tom Sun came to the Sweetwater Valley and homesteaded all that land you see in white, but the Sun Ranch management operations never made application to purchase that block of land, that section of land because it had no agricultural value to them. There's not water there, very little grazing, it's mostly rocks. That's why the Martin Company went there for protection, but I do not know, I do not believe the Federal Government set it aside to be protected.

Mr. REHBERG. Thank you.

Mr. RADANOVICH. All right. Any other questions of this panel?

If there are none, Mr. Lorimer, Ms. Dobos, and Mr. Parady, thank you very much, very much for your testimony and your time to be here today. You're excused.

Mrs. CUBIN. Thank you.

Mr. RADANOVICH. And I will go ahead and call our next panel, who is Mr. Lee Underbrink from Casper, Wyoming; Mr. John Jolley, Casper, Wyoming; Ms. Edna Kennell, Casper, Wyoming, and Mr. Lloyd Larsen from Lander, Wyoming.

Welcome, everybody. And you can see where you have got to sit there.

We will begin from left and work right. I know for some members of the panel the traffic signal is far away, but if everybody could be mindful of the 5-minute limitation, I'd sure appreciate it.

Mr. Underbrink, welcome to the hearing, and please begin your testimony.

Mr. UNDERBRINK. I'll be 10 seconds over.

Mr. RADANOVICH. If you wouldn't mind moving that mike up because I'm going to get some hands up.

STATEMENT OF LEE UNDERBRINK, CASPER, WYOMING

Mr. UNDERBRINK. Congressman Radanovich and Committee Members, I've been a resident of Casper for forty years. I'd like to share my views on this purchase.

The actual area of Martin's Cove is very small. The Church, through the land it already owns, has the only access to it. The Cove is a spiritual places for the LDS where the handcarters actually took refuge and many died. The Martin Company tragedy was the second largest loss of life in one event in the State of Wyoming, the largest being a coal mine disaster in Hanna in 1903.

After Highway 220 was re-routed through the Sun Ranch, there was no markers or indication that something historic had happened in the area. I tried very unsuccessfully to convince the State of Wyoming to install an interpretive sign along Highway 220 explaining the event. My letters and conversations were met with absolutely no interest at all.

Before the LDS purchased the Sun Ranch, visitation to the Cove was very restricted. If cattle were in the area you could not visit it. As more and more persons wanted to visit the Cove, a charge was made for crossing the Sun Ranch land to visit the small BLM portion of the cove. Even though I knew Bernard and Noline Sun, I was charged \$30 to cross their bridge and go to the Cove. At that time I drove in the Cove and there was nothing but evidence of

cattle bedding down. Now the area is pristine again with grass growing.

The government had no signage it was BLM land or any indication that you should not drive anywhere you wanted to in the Cove itself.

In other words, the State of Wyoming and the BLM had little interest in the preservation or interpretation of the site. The LDS have changed all this to make Martin's Cove available all with free access for everyone.

The argument has been placed that this is a prehistoric Indian site. To my knowledge no organized excavation has ever occurred in the Cove.

Indians, historic and prehistoric, undoubtedly used all the coves of the Sweetwater Rocks.

The Oregon-California-Pony Express trail is located across the Sweetwater River and is on land already owned by the Church. With the prior owners, the Oregon-California Trails Association was not even allowed to place their white Carsonite markers that are now so useful to indicate where the trail is. The LDS welcomed such markings by that trails preservation organization.

When the original bill—draft of this bill was made it directed the money to go to National Historic Trails Center here in Casper. Since this center is being built with BLM, state, county, city and private donations, this seemed like a good use of the proceeds. I would personally like to see this put back in the bill. Limiting the sale to the area—acreage of the Cove itself would be more acceptable, as would a clause guaranteeing the Cove would always be open.

The argument of trading or selling historic land or any land by the BLM has always been contentious. It is very common for the BLM to trade lands making grazing allotments more even. It's even common for the BLM to limit access to certain areas. In many cases private land limits access to BLM land. This land should always be open to the general public.

It took the purchase of the Sun Ranch to tell the Martin Handcart story. At the present they're reconstructing Seminoe's Fort, which was discovered in a recent archeological dig. One only has to visit the ranch to see how many people have access to this land. The LDS have invested a lot of money and time to make this an enjoyable place to live this history. In doing so they increased visitation to the State of Wyoming, and have created a new environmentally clean, interesting, and enjoyable tourist attraction that our entire state benefits from.

I have yet to talk to anyone at the Martin Handcart Center that tried to convert me to his or her religion. The missionaries are kind, helpful, unpaid docents that volunteer their time and money to explain this site.

The LDS Church has been very instrumental in the early development of Wyoming and the West. They settled much of the Big Horn Basin and Star Valley area. In my opinion the Church is a good Wyoming partner, and selling the Cove that they feel is so important to them is a payback from the rest of us for a job well done.

Thank you.

[The prepared statement of Mr. Underbrink follows:]

Statement of Lee Underbrink, Casper, Wyoming

Congressman Radanovich and committee members:

I have been a resident of Casper for 46 years. I would like to share with you my views on this purchase.

The actual area of Martin's Cove is very small and the Church, through land it already owns, has the only access to it. The cove is a spiritual place for the LDS where the handcarters actually took refuge and many died. The Martin Company tragedy was the second largest loss of life in one event in the State of Wyoming, the largest being the coal mine disaster in Hanna in 1903.

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Before the LDS purchased the Sun Ranch visitation to the cove was very restricted. If cattle were in the area you could not visit. As more and more persons wanted to visit the cove a charge was made to cross the Sun Ranch land to visit the small BLM portion of the cove. Even though I knew Bernard and Noline Sun I was charged \$30 to drive across their bridge to go to the cove. At that time I actually drove in the cove where there was nothing but evidence of cattle bedding down. Now this area is pristine again with the grass growing. The government had no signage that it was BLM land or any indication that you should not drive in the cove itself. In other words the State of Wyoming and the BLM had little interest in preservation or interpretation of the site. The LDS have changed all this to make Martin's Cove available to all with free access that protects the environment.

The argument has been placed that this is a pre-historic Indian site. To my knowledge no organized excavation has ever occurred in the cove. Indians, historic and pre-historic undoubtedly used all the coves of the Sweetwater Rocks.

The Oregon-California-Mormon-Pony Express trail is located across the Sweetwater River from the cove and is on land already owned by the church. With the prior owners the Oregon-California Trails Association was not allowed to place the white Carsonite markers that are now so useful to indicate where this trail is. The LDS welcomed such marking by that trails preservation organization.

When the original draft of this bill was made it directed that the money from the sale go to The National Historic Trails Center here in Casper. Since this center is being built with BLM, State, County, City and private donations this seemed like a good use of the proceeds. I personally would like to see this clause put back in the bill. I would also like to see the clause that guaranteed that Martin's Cove would always be open to the general public.

The argument of trading or selling historic land or any land governed by the BLM has always been contentious. It is very common for the BLM to trade land to make grazing allotments more even. It is very common for the BLM to limit access to certain areas. In many cases private land limits access to BLM lands. This land should always be open to the general public.

It took the purchase of the Sun Ranch to tell the Martin Handcart story. At the present time, they are reconstructing Seminoe's Fort which was discovered by a recent archeological dig. One only has to visit the ranch to see how many people now have access to this land. The LDS have invested a lot of money and time to make this an enjoyable place to live this history. In doing so they have increased visitation to the State of Wyoming and have created a new environmentally clean, interesting, and enjoyable tourist attraction that our entire state benefits from.

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The LDS church has been very instrumental in the early development of Wyoming and the West. They settled much of the Big Horn Basin and The Star Valley area. In my opinion the church is a good Wyoming partner, and selling the cove they feel is so important to them, is a payback from the rest of us for the job well done.

Mr. RADANOVICH. Thank you very much, Mr. Underbrink.

Mr. Jolley, welcome to the Committee, and please begin your testimony.

STATEMENT OF JOHN JOLLEY, CASPER, WYOMING

Mr. JOLLEY. Thank you, Mr. Chairman, and the rest of the Committee for giving me the opportunity to speak with you, and especially to you, Mrs. Cubin. I really do appreciate that you have made these arrangements.

I have some twelve pages of written testimony, and because of time constraints I will try to be restrictive of my comments today, and I hope I get to my last one which I do believe there is a viable alternative.

First of all I would like to say that I do speak in opposition of H.R. 4103, also known as Martin's Cove Land Transfer Act.

I have spent the last 7 years of my life exhaustively studying public access and the sale or exchange of public lands in Wyoming, and I can assure you this bill will not enhance public access, it will not enhance recreation. This is farfetched, even though it's in the bill. It will not enhance educational opportunities. Access to the Cove to receive educational guidance from the LDS missionaries or bias historical interpretation is not the type of access the majority of people in the United States would consider an education.

I am also opposed to H.R. 4103 because it would sever those public lands from a much larger block of the land. Private ownership by a religious group may also deter other religions from visiting that corridor area.

There currently is, and always has been, legal access to Martin's Cove through a large block of public lands to the east and north of the Cove.

I believe it is possible that later on, that the Church may close off public access, at least on those days when they may be engaging in some type of a religious ceremony, and any public access would be determined by the rules the Church wants to impose on the public.

I'm also opposed because the Church is asking for 1640 acres, although the Cove is only about 220 acres, and there's only about 50 to 60 acres that were ever used by the Martin Handcart Company.

The Church has admitted publicly there are no problems with the current arrangement with the BLM. And I believe it's only through BLM control, presence of retaining public ownership in all public lands in this historic corridor that the historic integrity of Independence Rock, Devil's Gate and the corridor can be preserved.

I'd like to talk just a moment on the preservation, and the preservation of what? One reason has been given to advance this bill is Mormons are better at preserving the history of the valley.

Rather than preserving the history of this historic corridor, the history that the LDS are preserving and publicly presented is the LDS history, the LDS interpretation, the LDS religious experiences, and the LDS literature. This version and interpretation is overshadowing, and nearly obliterating the rest of historic significance of the Sweetwater Valley.

In fact on one I attended this week of 70 minutes, there was only 5 minutes that was used to talk anything about the Sun Ranch or the other historic trails, with the other 65 minutes—the Hub and Spoke Ranch, which was totally gutted, the rest of the time was spent on interpreting the Mormon vision of the—of the history.

And, you know, the preservation, one of the most historic things out there is the Sun Ranch and when that was established and history behind it. In fact, it's so historical that there's a book, Historic Ranches of the Old West. There's only nine ranches, and one of them is the Sun Ranch, and that history is being replaced rapidly. The first thing that came down was the signs, Tom Sun Ranch signs, and now it says the Handcart Ranch Company.

We have to look at what we're really preserving when we turn over our public lands. I believe just because the BLM has not turned it into a type of tourist attraction, they've really preserved this land. That's why it's in the pristine condition it is now.

If a person would go back up the road just a little bit, follow the creek, and we're talking about—Let's talk about sacred sites for just one moment. And there is—the Baptists probably have the first claim to this area because there's a grave site, 1847, with the name of Frederick Richard Falckerson (phonetic) on the Oregon Trail in this vicinity, and this was 9 years prior to the LDS claim of the—of the Martin Company, and they had over 300 members of the Old Forest Baptist Church which became bound for Oregon. They were divided into groups, the Plains Baptist Church encountering several deaths, and they do have a gravesite. And I'm wondering how, if we act now, if all of a sudden Baptists now wanted to come to us and say that we want to have Devil's Gate and that area.

Now—

Mr. RADANOVICH. Be mindful of the red light. If you would sum up.

Mr. JOLLEY. I will say then in my summation, that this is setting a new precedence. It's a changed process, and I believe this is bad. Wyoming did go through this process when we talked about the Medicine Wheel, and the vocal opponents are the same ones now that are supporting this.

And I do believe, finally, that the reason to support or oppose this, based on money, is a terribly selfish reason, that the money should go to Wyoming. That should not be the reason, the critical reason. Thank you.

[The prepared statement of Mr. Jolley follows:]

Statement of John Jolley, Casper Wyoming

I oppose passage of H.R. 4103, also known as the "Martin's Cove Land Transfer Act."

My testimony is partially based on the knowledge and experience that I have gained regarding, not only proposed and actual sales and exchanges of state and federal lands within the borders of Wyoming since 1995, but also upon a continuing examination of the management of both state and federal lands in that time frame. My endeavors and knowledge regarding land issues in Wyoming have been cited in the prestigious Wyoming Land and Water Review (a publication of the Wyoming Law School), the Seattle Times (Seattle Washington), Denver Post (Denver Colorado), High Country News (Colorado and western states) and almost every newspaper, television, and radio stations throughout Wyoming. Since 1995, there have been few proposals or actual sales or exchanges of state or federal lands that I have not thoroughly examined. These examinations have included visual inspections, review of government or state files, review of archaeology, cultural, historic values, interviews or review of both expert and public opinions. Based on my review of public land sales and exchanges since 1995, many proposed land sales or exchanges failed because they were not in the public's best interest.

In one federal land exchange in 1996, as a result of my appeal to the Interior Board of Land Appeals regarding the "Big Trails Land Exchange" in Washakie

County, Wyoming, a change in requirements in the appraisal process was instituted nationwide by the Department of Interior to help resolve self-dealing and conflicts of interest.

Therefore, relying upon my experience and knowledge, I testify in opposition to the sale of those public lands in Wyoming referred to in the “Martin’s Cove Land Transfer Act” for the following reasons:

I. Equal and unbiased preservation of ALL the national significance in the corridor

The public deserves to have government oversight to preserve ALL the historic significance of the Sweetwater Valley in an unbiased manner rather than allowing one historic event to overshadow the many other national and state historic events and significance. The only way to guarantee that the public’s interest and interpretation can be preserved is to retain public ownership and control of all public lands in this historic corridor.

a). Although proponents of the bill may argue that the Mormon Church (reference in my testimony to the Mormon Church or Mormons is not intended as disrespect for the Church or its members) can do the better job of preserving the historic and physical integrity of the public lands in this corridor, including Martins Cove, than the Bureau of Land Management (hereinafter referred to as the BLM), I believe evidence of what the Church has done and plans on doing on their private lands in this historic corridor point to a different conclusion. The Church is engaged in a religious and commercialization venture which, I believe is compromising the integrity of the history of the Sweetwater Valley and although they have this right on their private property, a defeat of H.R. 4103 will prevent the transfer of our public property to private property and will help ensure the integrity of the Sweetwater Valley.

Evidence of compromising the integrity and preservation of the historic significance of the Valley by the Church is already prevalent. From the moment the Mormon Church signed the papers to purchase the “Hub and Spoke Ranch” from the Sun family in 1996, they began compromising the history and integrity of the entire Sweetwater Valley.

There is not a history book written about the Sweetwater Valley or Devils Gate that fails to talk of the historic nature of the “Hub & Spoke” or “Tom Sun Ranch.” John Clay, writing about it in the 1800s has numerous passages in his book, “My Life on the Range” relating to the ranch. The historical significance of the “Hub and Spoke” is so widely recognized that it is listed in the book “Historic Ranches of the Old West,” by Bill O’Neal, (Only nine ranches in Wyoming were distinguished and listed in this book). O’Neal wrote, “When Tom Sun established his Hub and Spoke Ranch in the shadow of the Oregon Trail landmark Devils Gate, he became perhaps the first permanent settler in Wyoming’s beautiful Sweetwater Valley. The name, Hub and Spoke, evokes some of the most colorful and questionable history in Wyoming and the West. The Sun Ranch buildings are listed as Registered National Historic Landmark.

Even though the name, “Hub & Spoke” has such historical and national significance, the name was changed to the Handcart Ranch immediately after it was sold in 1997. Soon after it was sold the church placed a large sign alongside the highway advising the public that this was now the Handcart Ranch, obliterating and destroying much of the historical significance of the area.

b). Others have complained of other actions of the church in failing to preserve the historical nature of the Sweetwater Valley. They complain that the Mormon Church is engaging in their own selective interpretation of history. After converting the Hub and Spoke ranch headquarters into a major LDS visitor center, in 1997 the church began conducting interpretive lectures to visitors.

Last year, the Salt Lake Tribune interviewed the Oregon California Trails Association (OCTA) preservation officer and past president of the organization, Dave Welch. Welch told of an OCTA tour of the area where “Trail buffs” complained that church missionaries focused exclusively on the Mormon handcart disaster episode without proper acknowledgment of the other historic trails that followed the same alignment; the Oregon, California and Pony Express National Historic Trails. Welch was quoted as saying, “They invited us into a converted barn, basically locked the door, gave a oneliner to the other trails and the rest of the talk was about the Mormons.” Welch explained that some of their members felt it was a narrowly constrained version of history.

c). It is reasonable to believe the church will continue their practice of displacing a lot of history with their own interpretation if H.R. 4103 passed and they acquired ownership of our public land overlooking the Sweetwater Valley. I and other critics of this bill fear that other historical events are all going to be dwarfed by the Mormon historical perspective.

d). Other preservation concerns besides the Church's compromising of historic events that do not convey their religious message abound. I and many others are concerned with the lack of protection of the land and nature of the area. The Western Land Exchange out of Seattle Washington and others have expressed their concerns about the "intensive development" by the church on their private property and the impact this will have on our public lands if they also become private and the other public lands adjoining this development.

Since the Mormon Church purchased the historic Sun and Spoke Ranch in 1996, there has been an all out effort to turn the Valley into a Mormon religious shrine. The church has been encouraging mass pilgrimages to the Valley to allow people to achieve the Mormon religious experience. Newspaper reports indicate that in 1997 there were 70,000 people, 1998- 46,000 people, 1999 37,000 people and in 2001 in excess of 45,000 people who visited the site. If H.R. 4103 passes and the church continues its development, it is projected that as many as 100,000 converts, missionaries and other visitors will come to the valley.

The church has hundreds of handcarts for their religious following to push or pull approximately 4 miles to gain spiritual experiences. They have built a visitors center. They have built a location where Mormon missionaries quilt. In their zeal to promote their religious experience, I and others believe that they are destroying the pristine nature, the solitude, and the fragileness of the Sweetwater Valley.

In 1997, the National Park Service, Department of Interior -- California, Mormon, Oregon & Pony Express National Trails in Salt Lake City also expressed concerns with the impact of the "large increase in visitors." They wrote: "There are three other national historic trails on the same alignment as the Mormon Pioneer National Historic Trail. Impacts on resources related to all the trails will be considerable. Heavy visitation threatens not only the dunes at Martins Cove, but the inscriptions near Devils Gate. Vehicular and foot travel will temper the experience visitors have within the sight line of the Sun Ranch, Devils Gate and Martins Cove." The Park Service warned, "A cap should be placed on living history participants using handcarts to Martins Cove."

The Park Service was also concerned with the interpretive services when they wrote, "historical context for all the national historical trails is paramount."

e). The 1997 BLM environmental assessment (EA) contained concerns about the lack of preservation of the area.

The EA from the Rawlins District, EA WYO36EA7003, stated, "Changes have occurred over a short time. New foot trails and evidence of motor vehicle use off of existing roads can be seen. Recent off-road and off trail activity has damaged vegetation which has exposed soil to wind erosion." The EA was also concerned with the impact on animals and the character of the area. "High level of human activity would disturb wildlife species such as pronghorn antelope, mule deer and raptors. In the course of a year Martins Cove would be transformed from a nearly pristine area into a place where the impact of human use is very obvious." The EA stated, "It has become almost a religious pilgrimage to visit the site."

f). There is no doubt that the Mormon Church can do as it pleases, as it has done, regarding development of their private property for their religious purposes, but there should be no doubt that if our public property is sold to them and it becomes private property, they will then be able to also do as they please with and on what had been our public property. We, the public will have no say or oversight.

I and many others believe that if H.R. 4103 passes and the Mormons are given private property rights to the public land in the Sweetwater Valley including the Devils Gate and Martins Cove area, there is little doubt that the Mormon presence will dominate and overshadow all other historical events that have taken place there in the past 160 years.

g). To any legislative bodies who listen to those who support this bill based upon the argument that the Mormon Church will preserve our public lands under private property rights should the best should question, "Since when has the criteria to sell our public lands to a private or religious enterprise been on the basis of differing arguments as to who will take the better care of it?" Subjective arguments such as this have never been the criteria as to whether to retain or sell our public lands and never should be.

II. Tourism

There are some who would propose to sell these public lands based on a tourism argument and the increase in tourism dollars that might be spent in our local communities. The Mormon Church is presently developing tourism and religious sites on their private land adjacent to the Cove. The Mormon Church has use, as well as the public does, of Martins Cove under a cooperative agreement with our BLM. Since the BLM has developed and built an extensive trail system to the Cove, there

is absolutely no reason to believe that the Church will forsake that agreement when it expires, but will renew so they also, can continue to use our public lands in the Cove. Despite whether our public lands are sold to the Church or not, the Church has extensive building programs being developed on their private lands and tourism will not be affected one iota whether our public lands are sold or not.

a) Rawlins Wyoming Chamber of Commerce has been promoted to support this bill on the basis that they will receive a heavy influx of tourism money. Many dispute the amount of money that Rawlins will realize in the long run beyond some gasoline purchases. First, the closest large city to Independence Rock/Devils Gate is Casper, a city to the north. Casper would be the logical overnight stay for many. Unlike Cody Wyoming and Jackson Wyoming, the tourist dollars that Rawlins would receive would be at a minimum as many of the Mormon faith travel in a frugal manner, packing their food supplies with them.

b). From a high of 70,000 visitations to the Sweetwater Valley in 1997, the year the Mormons took possession of the Sun and Spoke Ranch, visitation dwindled in 1998 to 46,000 people, dwindled even further in 1999 to 37,000 people with an increase to 45,000 in 2001.

c). Any large influx of tourist to the Mormon commercial and religious sites on their private property is one of the very reasons that it is important to defeat H.R. 4103 to enable our local BLM to continue to have control on our public lands and the fragile sand dunes in the area on our public land.

d). Although the Mormon pilgrimages to their private land adjacent to Devils Gate may have an effect on an increase of Mormon followers and converts who visit the area, it could have a negative effect on others who may have stopped at the BLM interpretive sites to visit the Oregon, California, Pony Express Trails and the other historical significant sites in the area. After seeing large Mormon signs alongside the highway, one overlooking Devils Gate and all the trails such as the one which proclaims, "A Historic Site of the Church of Jesus Christ of Latter-day Saints," people of other religions may intentionally pass by and fail to stop.

III. The sale of this public property is in contravention of the goals of the Resource Management Plans

The BLM's own studies and 1986 Resource Management Plan (RMP) never contemplated disposing of these lands. BLM uses a coalition of experts over a period of years to plan and write their resource management plans for various areas within their districts. As a result, their RMP lists those lands that would be advantageous for BLM to dispose of. These lands are not on the disposal list, but were intended to be retained. The purpose of an RMP is to allow for long range goals. If H.R. 4103 is passed, with one fell and swoop, the RMP and its goals of retention of these public lands will be diminished.

IV. H.R. 4103 would sever these public lands from a much larger block of public land

There is not a BLM District in Wyoming that does not have as its goal to block public lands into larger blocks of lands. None have as their goal to sever public lands from larger blocks. In the present case, the public lands encompassing Martins Cove are part of a hundred thousand larger block of public land. Passage of H.R. 4103 and severing a 1640 parcel of public lands from the larger block of public lands is in contravention to decade long goals of BLM.

V. Public Access

a). In contravention to what has been said in some circles, there currently is and always has been legal public access to Martins Cove through a large block of public lands to the east and north of the Cove. It would be feasible and possible for a recreational planner with BLM to mark out a walking trail from the east on public state lands near Devil's gate or from the north, northeast on public BLM lands. Lands accessible by trail are becoming more popular by some citizens as the preferred method to escape the crowds who can access public lands by road.

b). H.R. 4103, states that the public land will be conveyed to the Corporation of the Presiding Bishop "for the purpose of public education, historic preservation, and the enhanced recreational enjoyment of the public." There is not one mention in the bill of a guarantee of public access.

c). Even if some type of window dressing public access were to be later introduced into the bill, this would not cure the public access opposition to selling these public lands, but would, in my opinion, only be a method to try to placate public opposition.

Presently, the Church, through a cooperative agreement with BLM, does allow limited public access to cross their private lands to access the Cove. In exchange,

BLM has spent approximately \$200,000+ in time, materials and labor to mark and develop footpaths to the Cove.

But I believe there is little doubt that the church's reason to purchase our public lands is not to give or promote public access, but to restrict, control and limit public access. This would not only include the 200 some acres in Martins Cove, but also a large block of additional public lands. The Church is not content to just purchase the 50 to 60 acres that the 1856 campsite would have covered in the cove or the 200 220 acres encompassing the entire cove, but they want to control and own 1640 acres of our public land, a distance in excess of 2 miles long by 1 mile in width!

Regarding public access, Representative Hansen from Utah, the prime sponsor of the bill, was quoted recently in the Casper Star Tribune saying, "I've never seen the LDS Church cut people out." I would respectfully ask Representative Hansen and his colleagues to review documentation of the Church's past attempts to "cut people out."

Several years after the church had purchased the Sun Ranch in the Devils Gate area, they attempted to "cut people out" from public lands. They erected several "Private Property, No Trespassing" signs on the public land. It was not until August 2001; after the BLM told them they must remove the signs, that the signs were finally removed from our public land.

If Hansen and his colleagues had visited the Cody area several years ago, he could have seen the fishing area that the Mormon Church (Deseret Ranches) had developed on their property. For only a few hundred dollars a day, the public was "not cut out" from a day of fishing. In one of their private hunting ranches on the Utah/Wyoming border near Evanston, they "cut the people out" by charging huge fees to hunt.

If H.R. 4103 is passed, the sale will give exclusive ownership and control of an additional 1640 acres of public land at Devils Gate to the church. Records in the Rawlins BLM offices reflect that of the 104,216 acres that BLM describes as the Handcart Ranch allotments, only 19% of these lands in the allotments are private 81% are either public BLM or Wyoming state lands.

d). I believe Representative Hansen and others who are supporting H.R. 4103 are giving false assurances that the Mormons will allow public access to the public lands.

In November 2001, Lee Underbrink, a member of the Casper Oregon California Trails Association, (an Association with members of less than 60 Wyoming residents) assured the public that they would have public access if the lands in the Devils Gate area were sold to the church. He wrote, "The Mormons are good caretakers of their property, as anyone who has walked Temple Square will testify. Commenting on the then draft bill, he said, "The bill specifies that the church will keep the cove open and welcome to all."

I would challenge Mr. Underbrink and others who believe that the "church will keep the cove open and welcome to all," to visit Temple Square in Salt Lake City. In 1999, the church wanted to own a two-acre public block that belonged to the city. The city relented after an easement agreement was provided which allowed 24-hour public access from North Temple to South Temple streets. But the Mormons included a provision in the easement that effectively let them set the rules and restrictions on the public easement. Those rules included the exclusive rights by the Mormons to distribute literature and broadcast music and speeches on the two acres of prior public land. In April 2002, the Salt Lake Tribune reported that two Baptists were arrested on criminal charges because they were handing out leaflets on the public easement. The LDS released a statement which explained that the arrests demonstrate "why it is critical to the church to retain private property rights . . ." The Tribune reported, "The church maintains that since the two acre plot is now private property, and that the church, as private property owner, can do as it pleases." Attorneys for the two Baptist claim the easement restrictions are illegal. "We see the Baptists wind up in jail while the Mormons can pass out their literature." I believe that those who hear assurances that "the church will keep the cove open and welcome to all" should perhaps review past Church actions.

e). Concerns about closing off public access if the sale is allowed to go through have also been voiced outside Wyoming. Last year, the Salt Lake Tribune wrote that they have, "Some question whether church ownership will limit public access" if the Hansen bill is enacted.

d). There is little doubt that once this public area has been turned into a pilgrimage site, the church intends to close off public access, at the very least, on those days when they are engaging in religious ceremonies and any public access would be determined by any rules the church wants to impose on the public.

Reliable sources also note that the church was asked to give a perpetual public access easement to public lands in the cove or adjacent public lands to guarantee public access, but they refuse to do so.

VI. Access for public educational

When the first draft bill came out last year, Wyoming's Representative Barbara Cubin assured the public, "In any proposal, public access to the site for its historical value and educational purposes would be guaranteed."

Access to the cove to receive "educational" guidance from Mormon missionaries or biased historical interpretation is not the type of access that the majority of the public would consider an "education."

VII. Enhanced public recreation

In addition to public education and historic preservation, H.R. 4103, states that the public land will be conveyed to the Corporation of the Presiding Bishop for "enhanced recreational enjoyment of the public."

To many of those opposed to the bill, a reason to sell the land to the church for "enhanced recreational enjoyment of the public" appears to be far fetched. The church has admitted they want to purchase the public lands for religious purposes.

Lloyd Larsen, president of the Mormon Church stakehouse in Riverton has been quoted as saying that the church has sought the land sale to "make certain that Martins Cove is (I oppose passage of H.R. 4103, also known as the "Martin's Cove Land Transfer Act.") Page 9 bought and preserved as a sacred historical site for everyone to visit," and where they may "go to be inspired."

I believe it would take a long stretch of imagination to find any opportunity for "enhanced recreational enjoyment of the public" unless a "religious experience" is also an "enhanced recreational enjoyment" for the public. One must question what kind of "enhanced recreational enjoyment of the public" the bill refers to when the Mormon Church is building a sacred site to enable the Mormons to "go to be inspired." Unless the public considers indoctrination to church doctrine as "enhanced recreation," there will be no public "enhanced recreation" in the area as a result of the sale.

VIII. Church admits there are no problems

Lloyd Larsen, a Church spokesman has also been publicly quoted as saying that the motivation to buy Martins Cove is not based on any problems with the BLM. He said, "We just want to ensure stability of future access to the site."

a) Larsen wants to ensure stability of future access to the site for the Mormon Church—conversely, this is an important reason why H.R. 4103 should be rejected—to ensure stability of future public access to our public lands.

The only assurance of public access to these public lands and the other thousands of acres of adjoining public lands can only be guaranteed by the continuing BLM presence in the area. The same reason Larsen gives to assure the Church's "stability of future access" is one reason, of many, that our elected officials should give in opposing this bill.

IX. Proceeds of the sale

There are some who have publicly stated that they oppose the sale because the proceeds of the sale would go to the Federal Government rather than to Casper's National Historic Trails Center. In the Wyoming Trails Newsletter (May 2002, Newsletter Editor Lee Underbrink), it was written that Wyoming's delegation opposed the bill because "there is nothing for the people of Wyoming to support it."

I and others cannot fathom a more selfish reason to base ones position on whether to sell or retain our public lands in a National Historic Corridor. It is my opinion that these public lands and all the public lands in the corridor were part of history and to base support or opposition to the sale on a bribe, whether a tourist site in Casper will receive \$300,000 or whatever the appraisal price is, borders on prostituting our public lands.

X. Adjacent State Lands

The importance of all lands within this entire corridor and the impact they can have on the four national historic trails and other historic events is evident by the designation of state lands adjacent to Devils Gate. In 2001, a section of state land was designated as "rare and uncommon" by the Wyoming Department of Environmental Quality. Each and every commercial or religious venture in this historic corridor has a detrimental impact on preserving the integrity of the Sweetwater Valley.

XI. Conclusion

a). One cannot cure H.R. 4103 by amending the bill with a provision of “public access.” The best guarantee of future public access to our public lands in the Cove area is through public ownership and control.

b). One cannot cure H.R. 4103 by amending the bill with a provision that guarantees that the proceeds will be channeled to Casper’s National Historic Trails Center. These lands are public lands; not just Wyoming public lands and the decision on whether to retain or sell them must be made solely on the best interest of the public.

c). We cannot base a decision to sell our public lands based upon arguments as to who will better protect and preserve them. This is a subjective argument, with the result of such argument being determined on political favors. If we start introducing the criteria that a private or religious enterprise is better equipped to control our public lands, there will be no end to those who will scramble for special legislation to allow them a preferential and exclusive right to purchase our public lands.

In the same vein, we should not embark down the road of selling our public lands to those who claim that they are sacred to them. Not only is this one of the most dangerous precedents (and especially so because many people believe that the U.S. government stole a large amount of the lands they now manage from our American Indians), but it should also be remembered that sacred sites on public lands may not have special meaning to just one religious group, but may be sacred in other ways to the general public.

d). Evidence is already abundant that the Church is promoting this National Corridor in an unequal and biased interpretation of history. The Mormon Church is entitled to do as it pleases on its private property—and they have—but if H.R. 4103 passes, our public land will become their private property and therefore the public will have no control over what was once public property. The people of the United States have a right to an unbiased and equal interpretation of this corridor. Evidence is already apparent that the Church is engaging in preserving and enhancing the “Mormon version of history,” but I and others fear that the Mormon version will overshadow and nearly obliterate the rest of the historical significance of the Sweetwater Valley.

e). It is only through BLM control, presence and retaining public ownership in all public lands in this historic corridor that the historical integrity of the Independence Rock/Devils Gate and the corridor can be preserved.

Just because BLM has not defaced these public lands by turning them into a tourist attraction or shrine or temple does not mean they have not been preserved. In the past, the BLM erected interpretive sites which encouraged all people to silently reflect equally upon all the trails, including the California, Oregon, Mormon and Pony Express Trails and the wide corridor they all encompassed, the significance and hardships of all pioneers, cattle drives, emigrants and all those who passed through this corridor. In the past, it was a place where all could give reflective thought in the peace, quiet and solitude of the valley. Prior to the Mormons purchase of the historic Sun and Spoke Ranch, the corridor, including Martins Cove, which overlooks the trails was a place where deer, antelope and other wild animals frequented.

The Park Service has warned, “A cap should be placed on living history participants using handcarts to Martins Cove.” It is only through public ownership and control that the BLM can monitor and enforce this.

f). Several times in the past, those who have not been able to pass public scrutiny with land exchange proposals have resorted to special legislation to escape public opposition. This should not be allowed to happen in H.R. 4103. Records reflect that the Mormon Church approached the BLM to discuss a land exchange and made only one formal proposal. In that proposal, the private lands that the Church were offered to the public, in comparison to these public lands that overlooking and are a part of the public corridor, were not, in the opinion of the local BLM in the public’s best interests. Apparently the Church then elected to try a religious/political maneuver to get ownership of our public lands which resulted in the sponsorship of H.R. 4103. The best information I have available indicates that every one of the sponsors to date, including the prime sponsor, Representative Hansen, are of the Mormon faith. If so, I believe H.R. 4103 is nothing more than a religiously influenced bill motivated by the Church’s desire to bypass the usual procedure in Wyoming to get ownership of our public lands, but instead are asking for special state/church considerations.

Ironically, the Mormon Church is one of the most affluent churches in the world. It is one of the largest landowners of private land in the United States. It is one of the largest landowners of private land in the Devils Gate and surrounding corridor of the four historic trails. They have asked for special legislation because, as

their spokesman has stated, the Cove is a sacred site. One would believe that if these public lands are so very sacred to the Church, so sacred that they are now asking for special legislation, that with their vast financial and land wealth, they would have previously offered private lands to the public through a fair and equitable exchange process that would have been in the public's best interest, rather than negotiating on a one-sided basis—before asking for special privileges through H.R. 4103.

Perhaps as a viable alternative to H.R. 4103, to get their “sacred” site, Martins Cove, the Church should go back to the customary land exchange process and offer to trade 1640 acres of the Sun and Spoke Ranch, including the national historic buildings which are on the banks of the Sweetwater River; or perhaps a complete inventory should be done of those public lands where the Mormon Church controls and denies public access in Wyoming to public lands and exchange Martins Cove for permanent public access.

Thankfully, our BLM managers rejected the one formal proposal offered by the Church in a land exchange proposal because it was not in the public's best interest—and they would have been remiss in their duties and responsibilities to the public if they had not done so.

I believe our elected officials have the same responsibility to the public and should now do the same and reject H.R. 4103.

(Although I believe that this bill is nothing more than a religious-influenced piece of legislation, nothing in my testimony is meant to show any disrespect for Mormons or the Mormon Church. Some may attack those who oppose this legislation as anti-Mormon, but nothing in my testimony is such. In fact, my mother and father, my sisters and a great deal of my family heritage are of the Mormon faith, all of whom I have the greatest love and respect for).

Mr. RADANOVICH. Thank you very much, Mr. Jolley.

Ms. Edna Kennell, welcome to the Committee. If you'd like to begin your testimony. And if I may suggest too that you move the mike up to you as close as you can.

STATEMENT OF EDNA KENNEL, CASPER, WYOMING

Ms. KENNEL. Good morning, Chairman Radanovich, Members of the Committee.

Mr. RADANOVICH. Even more, I'm getting a lot of waving hands.

Ms. KENNEL. They like you. My name is Edna Kennell. I reside at 1661 Nottingham—

Mrs. CUBIN. Excuse me, Mr. Chairman. Take it out and hold it up if you can. Just comes right out of there.

Ms. KENNEL. Is that better? I am a student of history and supporter of cultural tourism and the benefits that it brings to Wyoming and Natrona County.

We all benefit, as the Church of Jesus Christ of Latter-day Saints celebrates their history. The Handcart Center, located approximately 60 miles from Casper, opened in May 1997, and has had 75,000 to 80,000 visitors per year. When we use published figures from the Department of Tourism, this equates to \$11,220,000.00 added to the Wyoming economy. Natrona's share is \$591,000.

Ten years ago, when we first started the National Historic Trails Center, many of the same people in this room knew little, if anything, about the Handcart disaster, or the Handcart triumphs, and when we started making presentations asking for public money with the Historic Trail Center we talked about a Cove to tell about the Handcart. Many thought we were crazy. Very few people were interested in the story and the location, but now they all claim that this is part of their history and their heritage.

The Sun family was a good steward of the land when it was used for grazing only, but there was little public access to the Cove. Since the Church of Jesus Christ of Latter-day Saints purchased the ranch, they allow anyone and everyone to enter the Cove at any time. They've done an excellent job in maintaining the site, and are willing to share their history.

In 2001 we had the Oregon/California Trails Association Convention here, which I was the Chair, and they were most gracious in allowing us to come to the ranch, offered us some of the barns to get out of the elements, provided lemonade and water for the entire group of 400 people.

Three years ago the elders from the Church appeared before the Natrona County Planning Commission about building some additional structures, and a water tank on their deeded land. At that time only three or four individuals and myself came to object to the placement of the water tank and the buildings, because they would have obstructed the view of Devil's Gate. This is BLM land that we were standing on.

The Church was very cooperative, moved the water tank, lowered the pitch of the roof so it would not obstruct the view. And then last year in 2001, they encouraged the Wyoming Archeology Department to come and excavate for the Seminoe Trading Post. They are currently reconstructing Seminoe's Trading Post adjacent to the archeology site, rather than on top of it, as has been reported.

I feel there needs to be some amendments to this bill to make it palatable for all of us. One, the acreage needs to be smaller and specific to the Cove.

And as Congresswoman Cubin has indicated, there needs to be a return to the State of Wyoming, particularly Natrona County, and that would be that any money that would be paid for the land would come back, and, of course, I want it to come back to the Historic Trails Center, and for Wyoming, and for the state.

The return from the sale of Martin's Cove, if the bill passes, would certainly help this. I think it's very important that Martin's Cove legislation be amended, and it also acts as a guarantee. And I thank you very much for your time.

[The prepared statement of Ms. Kennell follows:]

Statement of Edna Kennell, Casper, Wyoming

Good morning Chairman Radanovich and Committee members. I am very honored to be invited to testify this morning. My name is Edna Kennell. I reside at 1661 Nottingham Dr., Casper, WY 82609. I am testifying as an individual. I am a student of history and supporter of cultural tourism with the benefits it brings to Wyoming, Natrona County, and the City of Casper. I am currently employed by the National Historic Trails Center Foundation.

We all benefit economically, as The Church of Jesus Christ of Latter Day Saints celebrates their history. The Hand Cart Center, located approximately 60 miles from Casper, opened in May of 1997 and has had 75,000 to 80,000 visitors per year. When we use published figures from the Department of Tourism, this equates to \$11,220,000.00 added to the Wyoming economy. Natrona County's yearly share of tax dollars, from these figures, is \$591,000.00. (See Exhibit A).

Ten years ago, when we first started the National Historic Trails Center, many of the same people in this room (except the Historians) knew little if anything about the hand cart disaster or triumphs. When we were making presentations to the public asking for tax money and talking about a "cold room" to tell this hand cart story, many thought we were crazy. Very few people were interested in this story, nor knew of the cove's location, but now claim it as their own.

The Sun family was a good steward of the land when it was used for ranching only, but there was little public access to the cove. Since The Church of Jesus Christ of Latter Day Saints purchased the ranch, they allow anyone and everyone to enter the cove at any time. They have done an excellent job of maintaining the site and willingly share their history.

Three years ago elders from the church appeared before the Natrona County Planning Commission about building some additional structures and a water tank on their deeded land. Only 3 or 4 individuals, including myself, cared enough to object to the placement of the water tank & buildings that would have obstructed the view of Devil's Gate from the Bureau of Land Management rest stop on Highway 220. The church was very cooperative and moved the water tank and lowered the roof lines so they would not affect the view of Devil's Gate. Last year, 2001, they encouraged a State archeology dig on their property to determine the location of the Seminoe Trading Post. They are currently reconstructing the Seminoe Trading Post, adjacent to the dig. The church is paying for this expensive project. This will add to Wyoming's history and encourage more visitors to the ranch.

As indicated in previous testimony, the Historic Trails do not go into the cove but are across the river from the cove. There is no positive indication this is a pre-historic Indian site.

There needs to be some amendments to this bill, H.R. 4103. The acreage should be smaller and specific to the known cove and/or the presumed cove. There needs to be a guaranteed access for perpetuity. Congresswoman Cubin is correct in asking for something that will benefit Wyoming, particularly Natrona County. Since B. L. M. has stated that it would trade land for "comparable value"; rather than land, I would ask that the money paid for the cove be earmarked for the National Historic Trails Center. The center, a public/private partnership, will be owned and operated by the Bureau of Land Management.

The return from the sale of Martin's Cove will help operate the National Historic Trails Center. If Congress approves the sale of Martin's Cove to the L.D.S. Church; I believe there are many people in Wyoming who would like to see these funds come back to Wyoming, into our trails center. Therefore, I think it's very important that the Martin's Cove legislation be amended in this respect. It would benefit the center and everyone else and could be considered of comparable historic value. The center will be completed and open August 9, 2002.

Exhibit A

Edna Kennell - Exhibit A

Natrona County Travel Impacts, 1997-2000

	1997	1998	1999	2000
Travel Spending by Type of Traveler Accommodation (\$Millions)				
Destination Spending	127.4	128.0	137.9	149.6
Hotel, Motel, Resort	47.1	48.1	53.5	58.5
Private Campground	8.8	8.8	9.2	10.0
Public Campground	0.3	0.3	0.3	0.4
Private Home	35.7	35.3	37.0	39.8
Vacation Home	5.9	5.8	6.1	6.6
Day Travel	29.6	29.6	31.7	34.3
Air Transportation	18.0	20.8	21.8	20.8
Total Spending	145.4	148.8	159.7	170.4
Travel Spending by Type of Business (\$Millions)				
Destination Spending	127.4	128.0	137.9	149.6
Accommodations	14.6	15.2	16.6	17.6
Eating, Drinking	24.0	24.8	26.1	27.0
Food Stores	7.3	7.6	7.9	8.1
Recreation	18.3	18.9	19.9	20.7
Retail Sales	22.2	22.8	23.9	24.9
Ground Transport	41.0	38.6	43.5	51.3
Air Transportation	18.0	20.8	21.8	20.8
Total Spending	145.4	148.8	159.7	170.4
Total Earnings Generated by Travel Spending (\$Millions)				
Total Earnings	32.2	34.4	36.1	37.1
Employment Generated by Travel Spending (Jobs)				
Accommodations	440	450	450	460
Eating, Drinking	1,010	1,010	1,000	1,020
Food Stores	60	60	50	60
Recreation	660	710	690	720
Retail Sales	270	230	230	230
Ground Transport	390	400	390	400
Air Transportation	180	190	190	180
Total Employment	3,010	3,040	3,000	3,080
Tax Revenues Generated by Travel Spending (\$Thousands)				
Local Taxes	1,970	2,044	2,168	2,263
State Taxes	3,721	4,199	4,877	4,946
Total Taxes	5,691	6,243	7,044	7,209

Total Earnings include wage & salary disbursements, other earned benefits and proprietor income. Employment includes payroll employees and self-employed. Local taxes include local option sales taxes, lodging taxes and the local share of state sales taxes. Property taxes are not included. State taxes include the state share of sales tax receipts and motor fuel taxes.

Exhibit B.

Letter to Senator Craig Thomas
from the Fifty -Sixth Wyoming State Legislature

Wyoming State Legislature

213 State Capitol / Cheyenne, Wyoming 82002 / Telephone 307 / 777-7881



February 21, 2002

The Honorable Craig Thomas
United States Senator
2120 Capitol Avenue, Suite 2013
Cheyenne, Wyoming 82001

Dear Craig:

As the Wyoming Congressional Delegation considers legislation to convey ownership of Martin's Cove to the Church of Jesus Christ of Latter-day Saints, we write in support of this legislation.

More than 250,000 people have already traveled to Wyoming to learn more of the epic pioneer story of tragedy and daring rescue of Martin's Cove. This is due to the efforts in investment by Wyoming citizens and the LDS Church to open this historic site to the public. Wyoming citizens are keenly aware of their remarkable pioneer heritage, and understand the value of bringing people from around the world to learn and share in their proud history. The dedication of the LDS Church to outstanding preservation of historical sites of heritage is well known. We support their interest to manage and own this Wyoming site for the public to enjoy.

We are confident the Wyoming Congressional Delegation will include provisions in Martin's Cove legislation to ensure public access to the Cove in perpetuity.

We also support the Delegation's decision to publicly share information about and discuss issues involving Martin's Cove with the Wyoming public prior to bill introduction.

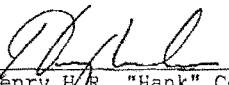
Further, we support the idea of having proceeds from the sale of Martin's Cove remain in Wyoming and directed to the short and long-term benefit of the National Historic Trails Center in Casper.


We, the undersigned members of the Fifty-sixth Legislature, join in expressing our appreciation for your consideration of our views on this important Wyoming issue.

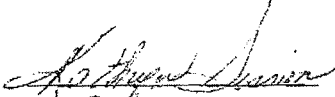
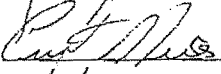
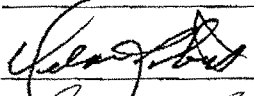
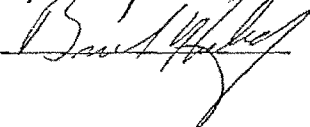
Sincerely,

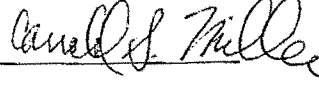
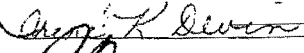
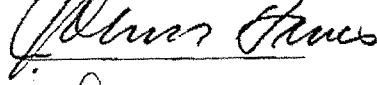
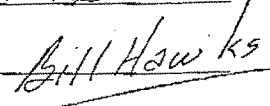
Members of the
Fifty-Sixth Wyoming State Legislature

Cc: The Honorable Mike Enzi
The Honorable Barbara Cubin

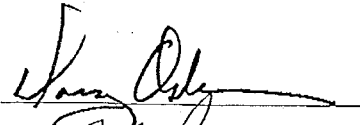
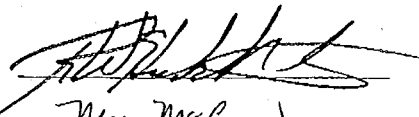

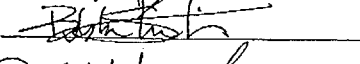
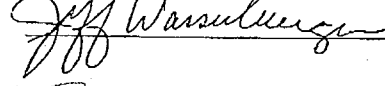
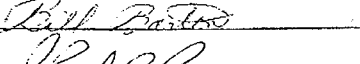
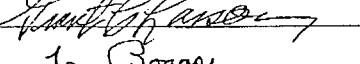
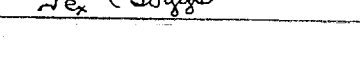

Henry H.R. "Hank" Coe
President of the Senate


Rick Tempest
Speaker of the House of
Representatives



Thomas H. Scott






Rick L.


Fred Parady	Charles Christensen
Clarence Law	Bud Nelson
Ed Halloway	John L. Egan
Oleg Samvelson	Louie Tomassi
Tennie Whiford	George B. McWhorter
James H. Hester	Owen Petersen
Harry Merrill	Steffe
Ed Halloway	Del McOmie
Robert Anderson	James C. Hageman
1st J. Ross	Roy Cline
Wayne H. Johnson	Rick Tempels
Lester D. Morgan	Tom Hest
Alvin Jones	John Hest
Kendall Little	Chuck Hest
Jan Wootenberg	Pet Hest

	
	Mac McGraw
	Phil Nichols
	Jean Wamsulengen
	Wayne Wamsulengen
	Robert A. Park
	Jim Anderson

Mr. RADANOVICH. Thank you very much, Ms. Kennell, and appreciate your testimony.

Mr. Lloyd Larsen, welcome to the Committee, and if you would speak directly into the mike, that would be very helpful.

Mr. Larsen. Mr. Chairman, can you hear me all right there?

Mr. RADANOVICH. Depends on whether they can.

Mr. LARSEN. I can't see them.

Mr. RADANOVICH. A little louder.

STATEMENT OF LLOYD LARSEN, LANDER, WYOMING

Mr. LARSEN. Mr. Chairman, Members of the Committee, I'm Lloyd Larsen from Lander, and I'm extremely honored to be here testifying before the distinguished Committee today. I'm the co-owner of Triple L. Inc., a construction and general contracting company, primarily serves the petroleum industry with 20 employees. I am also currently president of the Riverton, Wyoming Stake of Church of Jesus Christ of Latter-day Saints. We have 2,587 members in our congregation in Fremont County. This stake has been actively involved for the past decade in—in locating, restoring, and preserving historical sites along the Mormon Trail.

I'm really pleased today to have the opportunity to present this Committee petitions from nearly 6,000 members of the LDS faith of Wyoming in favor of legislation that would convey Martin's Cove to the public.

I am also in possession of over 40 letters that have recently been entrusted to me to pass on to Representative Barbara Cubin, and also copies to be presented to this Committee that also support legislation conveyed as planned.

These petitions and letters are from Wyoming citizens, all of whom are old enough to vote, from over—from 101 different communities throughout the state. They reflect strong support of the Wyoming LDS community for this legislation, and so I, on behalf of the LDS Church members, we'd like to thank House Resources

Chairman Jim Hansen for providing the legislative vehicle that would allow the Congress to review the ownership issue of Martin's Cove.

We would also like to join in expressing our appreciation to Representative Barbara Cubin for mandating that we have a public hearing here in Wyoming. We appreciate that very much.

Speaking for myself, although I am very pleased with the direction of the concept of this bill, I would also welcome legislative changes that would keep the proceeds of Martin's Cove in Wyoming, and that would allow public access, and would also visit other issues as they arise.

It's interesting, as I was studying the other day, I noticed a comment that President George W. Bush made in his inaugural address. He quoted, "Church and charity, synagogue and mosque lend our communities their humanity and they will have an honored place in our plans and in our laws."

I hope that would be true.

This trail that we have laid to get to this legislative point has been very clear and very distinct. We didn't wake up last fall and decide that we were going to approach Jim Hansen in Utah. We don't do that in Wyoming. We did not go to Jim Hansen, decided we was going to have a—try to do a legislative reverse sweep to get Martin's Cove into ownership.

This process started in 1996 with the purchase of the Sun Ranch. Shortly after the purchase of the ranch, our intention was to try and obtain ownership of that piece of property owned by the Federal Government. It was indicated to us by the representatives of the Bureau of Land Management, that indeed could be done through a land trade. Our understanding at that time was that we could trade lands that were relative in any number of ways to the use of the general public.

It was later determined that we should find other properties that are historically significant to propose a trade. We searched, we found three different properties. One property we couldn't come to terms with the owner on. The other property we come to terms with the owner on until he found we was going to trade it to the BLM. I've just been cut off.

[Technical difficulties with the sound system.]

Mr. LARSEN. Going back to my point, Mr. Chairman, we've made offers on several pieces of land. The one piece, as I was indicating before, the owner was willing to sell it until he found out we was going to trade it to the BLM. We did, however, find a piece of property that the Church found was historically significant to the Church because it's also relative to a site where the Willie Handcart Company was. It also had other significant properties attached to it, the Seminoe Cutoff, which was offered to the BLM. They turned that trade—It was—The Seminoe Cutoff was offered as well as permanent access, which is public access at 6th Crossing. That was turned down by the Bureau of Land Management, which is what forced us to come to this point.

[The prepared statement of Mr. Larsen follows:]

Statement of Lloyd Charles Larsen, Co-Owner, Triple L. Inc.

Mr. Chairman, and members of the committee: I am Lloyd Larsen of Lander, Wyoming. I am honored and pleased to appear before this distinguished committee today.

I am the co-owner of Triple L. Inc., a construction and general contracting business that primarily serves the petroleum industry with 20 employees. I am also the President of the Riverton, Wyoming Stake of The Church of Jesus Christ of Latter-day Saints (LDS). There are 2587 members of our faith in this stake, located in 10 different congregations throughout Fremont County.

I am pleased to present to the subcommittee petitions from nearly 6,000 members of the LDS faith in Wyoming in favor of legislation to convey Martin's Cove to the Church. These petitions are from Wyoming citizens who are all of voting age from 101 communities throughout the state. They reflect the strong support of the Wyoming LDS community for this legislation. And so, on behalf of thousands of LDS church members, we thank House Resources Chairman Jim Hansen for providing a legislative vehicle to enable the congress to review the ownership issue of Martin's Cove.

We also join in expressing appreciation to Representative Cubin for insisting that public hearings on the bill take place in Wyoming. Speaking for myself, while I am pleased with the direction and concept of this bill, I would also welcome legislative changes that would keep the proceeds of the Martin's Cove sale in Wyoming, that ensure the public access to the Cove, and that take into account other views.

The intent of this testimony is to try and help the hearing committee understand the sacrifice of time, labor, equipment and money, that has generously been donated by the citizen's of this great State who are members of The Church of Jesus Christ of Latter-day Saints in the development of Mormon Handcart Visitors Center ("Visitor's Center") which includes the development of Martin's Cove ("Cove") so that the public could have access to this site. I would also like to inform the committee of the efforts of the Church to identify, research and acquire other lands that have historic value that could be traded to the BLM for Martin's Cove.

For five years prior to the Church's purchase of the Sun Ranch members of the Church living in the geographic area surrounding Martin's Cove had been involved in a project that required researching the names and events associated with the Martin and Willie Handcart Companies. In that process we were able to obtain copies of journals that had been written by the handcart pioneers, or their descendants. We not only became acquainted with the events surrounding the saga of the Willie and Martin Handcart Companies, we come to understand the spirit, human kindness, compassion, stamina, character, and sacrifice of those handcart pioneers. We also come to understand to some degree the voluntary sacrifice, courage, character, and compassion of those who came to rescue the stranded handcart companies. As we came to know these people, a bonding took place. Many members of the LDS Church in Wyoming are descendants of these pioneers who crossed the plains, and they have come to recognize the sacrifice their forefathers made to believe and worship the way they wanted. Other LDS citizens in the State found that they could relate to the sacrifices of the handcart pioneers because, like these early pioneers they too made sacrifices to embrace this religion.

Because of this relationship the members of the Church were excited whenever an opportunity arose that allowed them to eulogize the handcart pioneers. In 1991 members of the Church here in Wyoming erected three monuments along the Oregon/Mormon trail dedicated to the members of the Martin and Willie Handcart Companies. The time, equipment, and materials for the casting of the bronze plaques, building the interior structure of the monuments, hauling rock from a BLM quarry in LaBarge, Wyoming 200 miles away, and the masonry work on the plaques were all donated.

We were thrilled when we learned that the negotiations for the acquisition of the Sun Ranch had been successful in the fall of 1996. Up to this point access into the Cove had been limited because you had to drive across private land prior to accessing the public land where the Cove is. After the Church purchased the ranch, a meeting was held at the old Sun ranch house to determine how we could make this property an interpretive site that would be conducive to the history of the handcart legacy, and maintain the influence of the Sun family who the property was purchased from. At this same meeting it was also noted that 1997 was the sesquicentennial of the vanguard company of Mormon pioneers crossing the plains and entering the Salt Lake valley. Because of this historic celebration it was decided that every effort should be made to make the handcart historic site accessible by May of 1997.

In order to have the area ready for visitors a number of things had to be done, which included:

- 1.) The bridge across the Sweetwater River needed to be replaced. The existing bridge was an old railroad car that was too narrow. This bridge had also been set too close to the river and would sometimes get covered with water when the river flooded.
- 2.) Some sort of visitors center needed to be created to tell the story of the hand-cart pioneers and of the Sun family.
- 3.) A parking lot needed to be made.
- 4.) There weren't any public restrooms.
- 5.) With the ranch being there for many decades, there was need to "clean up, pick up, paint up, and fix up."
- 6.) We needed to establish more water sources for drinking water. Water wells needed to be drilled.
- 7.) The access road from the highway into the visitor's area needed to be improved.
- 8.) A walking trail needed to be designed and constructed from the visitor's center into Martin's Cove.
- 9.) A footbridge needed to be placed over the Sweetwater River up closer to the Cove.
- 10.) Interpretive signs needed to be designed, constructed, and installed along the trail to help people better understand the events in the area.
- 11.) Campgrounds with water and restrooms needed to be established to accommodate those groups and individuals that wanted to camp in the area.
- 12.) A picnic area around the Visitor's Center would be needed for visitors. It was anticipated that because the closest town of any size was 50 miles away, many visitors would be bringing their lunches with them.

This meeting was held in the middle of September, and it was determined that we should be ready for visitors on May 1st, which gave us seven and a half months to be ready. The biggest obstacles were the coming on of winter and labor. When the members around Wyoming found out that there was a need for help the response was incredible.

It was decided that the historic ranch house which was in a sad state of repair should be repaired and made into the visitors center which would not only protect the inherent atmosphere of the ranch, it would also help establish a setting for the visitors. Volunteers who were familiar with the building trades removed the old floor and excavated under the bottom log of the structure by hand. They leveled the walls and then poured a new concrete floor. Where the logs had rotted out they were replaced with other logs salvaged from other demolition.

The bridge over the Sweetwater River was unique. Members from the Riverton area were asked if they could build a bridge. They answered yes, and were given the assignment to build it. In reality none of them had ever built a bridge before. The existing bridge was an old railroad car that was 8 ft. wide and 90 feet long. They decided to try and find another railroad car with the intentions of putting the two together side by side. A civil engineer in Casper who was a member of the Church found out about the project and offered his services. Another railroad car was found in Oregon and shipped to the site. Both railroad cars had been in wrecks and were no longer straight and true. It was decided that pilings should be driven into the ground on both sides of the river for the railroad cars to set on. The pilings were driven and the cars set with an additional space between them to get the desired width. There were several members that were welders who volunteered their time to repair the damaged railcars and to join the two cars together with structural steel. Some of these men took their vacation time to work 12-14 hours a day on the bridge throughout the month of October and part of November. It gets cold in Wyoming during those months. In addition to the welders there were orthodontists, grandmas, housewives and school age children who would show up to do whatever they could to make sure the bridge was completed. Some had so much clothing on to stay warm that they had a hard time moving around. Because the new bridge was set at a higher elevation than the old bridge, new approaches had to be made, which took over one thousand yards of dirt and gravel. A businessman in Casper who sells construction equipment heard that the approaches were being constructed. He called and inquired what equipment was being used and what was needed. The next day he sent out a large rubber tired loader, a compactor, and a motor grader all to be used free of charge. The motor grader and compactor were left there until May to be used as needed. A lot of people were needed to help put the planking on the bridge. The turnout was so good that there were more people than was needed. A group of women who had come to assist with the planking wanted to know what else could be done. They were pointed to a pile of rocks, which needed to be

carried underneath the bridge and placed around the bridge pilings to help prevent erosion. There were 15 yards of rocks in that pile all weighing between five and ten pounds each. That group of women, one of whom was pregnant, carried the whole fifteen yards of rock by hand under the bridge, and placed them around the pilings. Thousands of hours of labor and equipment went into the building of this bridge so that all who wanted access into the Cove would have the ability to cross the river in a manner more favorable than the handcart pioneers. The civil engineer who helped on the bridge estimated the cost of the bridge with all that was done would have exceeded \$200,000.00.

The Church expressed to the Bureau of Land Management (BLM) a desire to develop an access into the actual Cove where the Martin Handcart Company camped. The Bureau of Land Management accepted the opportunity to develop the site, but didn't have the funds or the manpower at that time to accomplish all that needed to be done. The BLM developed and provided a blueprint for an interpretive trail that started near the Visitor's Center and went across Church owned property, to Federal land. Once the trail was on Federal land it went up into the Cove, from the Cove it then back onto Church property ending up back at the visitor's center. The total distance of trail that needed to be built was over 2.5 miles. 1.25 miles of the trail was to be built on Federal land. An archeological study needed to be conducted on the BLM land. Again the BLM didn't have the funds or the manpower to do the study at that time. The Church funded the study. Brigham Young University's archeology department came and identified two archeological sites. It was decided by the BLM that the trail could be constructed to the Cove without damaging the integrity of the archeological sites. The Church and the BLM built the portion of the trail that was on Church land with the BLM providing the materials and some equipment, the Church provided labor and equipment. When the trail got onto Federal land the trail became a narrow walking path. The design of the trail required that a geo-tech material be laid down where the trail was going to be and then gravel placed over it to a depth of two to three inches. Landscaping timbers were to be placed along the edges of the trail to keep the gravel in place. Again the BLM provided the materials but didn't have the labor resources. The members of the Church volunteered to provide labor and equipment for the task of building the trail. Men, women, and children of all ages spent much of late March and early April laying the geo-tech material on the trail, hauling the gravel and installing the landscaping ties. The trail was too narrow for dump trucks to drive on in order to spread gravel on the trail, so the volunteers brought their ATV's and hooked small garden trailers to them and hauled the gravel on to the trail one quarter of a yard at a time. A majority of the high school and jr. high school students that were volunteers spent their spring vacation that year building a trail that would allow all who desired, an opportunity to walk into Martin's Cove. The BLM recorded that an excess of 7,000 man-hours of labor were donated in the construction of that trail.

After the trail was completed the Church researched and designed information that could be placed on interpretive signs for people to read as they went into the cove. These signs tell the story of the Martin Handcart Company. They had the signs made and installed them along the trail.

Pinedale, Wyoming is at least 240 miles from Martin's Cove. It is a rural community, where ranching, timber, and minerals are the backbone of the economy. When the members of the Church in that community found out about all that was going on at Martin's Cove, they wanted to be a part of it. When asked if they could build picnic tables, the Pinedale people volunteered for the job. They went back to Pinedale where one of the individuals owns a sawmill. They cut the lumber from native logs and made picnic tables that will hold a truck up. They scheduled the delivery of the tables to the Visitor's Center on the day when they knew that there was a lot of work scheduled to be going on around the Visitor's Center. They left their homes in Pinedale at 4:00 a.m. so that they could get to the visitor's center by 8:00 a.m. They left early in order to deliver the tables and have enough time left to work a full day. They set the tables and then found that the new public restrooms constructed by the Church was supposed to have log siding put on it which had been made from the logs of an old barn. They along with members from Dubois, and Lander who also had experience working with logs made sure that the installation of the log siding on the restrooms was completely finished that day. They left on the four and a half drive home that night knowing that they had made a contribution to the comfort of those that would come to visit Martin's Cove.

The examples that I have given of the efforts made by the members of this Church are intended to illustrate the relationship that we have with the handcart pioneers, because of the legacy that they left behind. All of the tasks that have been identified were completed in time for the dedication of the Visitor's Center on May 3, 1997. We here in Wyoming want to preserve and protect this site for genera-

tions to come. It is a place where all that are residents of Wyoming and all who are visiting can come to learn about this important event in the history of the Church and the history of the west. It is a place where we can learn a little more about who we are.

After the acquisition of the Sun Ranch, Church representatives started negotiating with the BLM in an effort to trade other lands the Church owned for the land Martin's Cove was at. Initially it was thought that we could exchange some other deeded land on the ranch for the Cove. The BLM told us that a piece of property that was as historically significant as Martin's Cove would have to be found, evaluated, and agreed upon before a trade could take place. The Church had a representative travel along the Oregon/Mormon trail across the entire state of Wyoming looking for property that was historically significant. Once those properties were found an inquiry was made to see if the properties were for sale. Three properties were located with the possibility of meeting the requirements, and that the current owners were willing to sale.

The first site identified was for sale, but not at a price that we felt was reasonable. Negotiations with the owner were conducted over a substantial period of time without reasonable terms being reached.

The second site was a section of property on the Sweetwater River known as 6th Crossing. This is an area where all pioneers crossing on the Mormon, California, and Oregon trails crossed the river for the 6th time. This area is particularly significant in the history of the LDS Church because of the events that involved the Willie Handcart Company, which got caught in the same winter storm as the Martin Company. This property also contains a section of the trail known as the Seminole Cutoff. The Seminole Cutoff was an alternative route around some of the rougher portions of the trail going over South Pass. The Church was able to purchase this property. The Church wanted to keep the portion of the property at 6th Crossing because it has a comparable importance to Martin's Cove. The Church did however offer the Seminole Cutoff and a permanent easement into 6th Crossing for access to the trail as it crosses over the Sweetwater River. The BLM declined this offer indicating that it didn't "meet the test".

The third site identified was a piece of property that the BLM was interested in, and the owner was initially interested in selling the property. The owner however decided against the sale in favor of keeping it for personal use.

After we reevaluated our situation, it was our judgment that further comparable sites did not exist. We approached the BLM representatives to inquire if they knew of any other sites that they would be interested in. They indicated that they weren't aware of any at that time. It was at this point that we entertained the option of pursuing legislative avenues. The BLM representatives were the first ones that we informed of this intention. This was done in an effort to be forthright in our dealings with them.

Mr. Chairman, this concludes my testimony today. I would be please to respond to questions you may have.

Mr. RADANOVICH. Thank you, Mr. Larsen. At this point we'll open up the panel for questions for the folks up here. And who would like to begin? Barbara?

Mrs. CUBIN. Yes. Thank you, Mr. Chairman. I'm going to start by asking Edna Kennell a question. The five trail centers that you have been so dedicated to, and thank you for—

Ms. KENNEL. Can I correct that? There's six trails.

Mrs. CUBIN. Pardon me. Oh, six trails, excuse me. That's right. The other one is where my mother goes for other services.

At any rate, thank you very much for the work that you have done. I believe that we will have a first class center here in Wyoming, and I really do believe it will help tourism. And I also know it wouldn't have happened had you not been so devoted to the cause.

Ms. KENNEL. Thank you.

Mrs. CUBIN. Thank you. I also think that the partnership between Federal, state, local and private entities is one of the best examples of how government can work for the betterment of the

people, so people can get what they want from their government, and participate. That's how you can tell what's important to someone, if they're willing to put their money, and their labor, and their time into a project, then you know that it's important to them. And those are something that I think the government ought to invest in.

If we amend this bill, which I will attempt to do, will you tell me—Well, first of all, will you explain the various—Will you explain the partnership, and what—how the agreement developed, and what entity did what, and then how the money would be used on the trail center that's going to be built in Casper?

Ms. KENNEL. Well, Barbara, of course, you know we couldn't have done it without your help because you helped us very much.

When we first started there was some questions about whether this would really happen. And we had to go to the State of Wyoming, and we got a grant from the State of Wyoming. We also got some money from the city of Casper, and land from the city of Casper in that partnership. It was after those things had happened that we went to the Bureau of Land Management, or we came together, it was a mutual agreement, and we got together and we signed a memorandum of understanding; to create this, that we needed to bring the Bureau of Land Management to the table, which would help us build the center. They would actually pay for the building that the exhibits were going to be put in, and then the non-profit, which consisted of city and private funds, would bring moneys in to pay for the exhibits that go in the interior. And, of course, you played a big role in that.

So this Committee, because they approved, we were able to go ahead and ask for money to build the building.

Mrs. CUBIN. How would the proceeds, if this sale were to occur, affect the center?

Ms. KENNEL. One of the things that the nonprofit has to do is we have to provide an endowment to pay for maintenance and exhibits on the interior. Again, these are old objects and what have you, but we're not a museum, we're an interpretive center. These are life-size interactive exhibits, and they're quite expensive to maintain. We would like to see the proceeds from this land go to help for the endowment fund for the center.

Mrs. CUBIN. Thank you. Mr. Jolley, I'd like to first of all make a remark regarding your testimony, about history, replacing history, like the book that you have, the history of the Sun Ranch and now it's being replaced by the history of the Mormon Trail to settle west and the handcarts coming across the west.

Those are not exclusive of one another. Both—and—the Baptists—I think you had a reference to some public lands and Baptist involvement. Those are not exclusive. All of those things happened, and so when history is written, history will be written about the Sun Ranch, and about the handcarts, and about the history of Wyoming. So I really think that—that that argument is not a good one.

Being realistic, every complaint that you have about the bill won't be able to be amended into the bill, and I, of course, don't know if the bill will pass or if it won't, but how it's going to work is we'll go back to Washington—Help me, you correct me if I'm

wrong, Mr. Chairman. There will be a Subcommittee mark-up where amendments will be offered by me and who knows who else, and then it will go to the Full Committee—OK. Yes, a hearing before the Full Committee, and then a mark-up to amend the bill. I would be offering amendments, and I imagine other people will too.

If it should pass could you prioritize for me out of the list that you've made, the ones that are the most important for you, that you view to be the most important?

Mr. JOLLEY. Thank you, Mr. Chairman, Mrs. Cubin. I don't think there's anything that could be put in this bill to cure it with any amendments. I think there is a viable alternative, and it should be really explored more fully. I don't know if you know, but I probably have studied more land exchanges and sales of public land in Wyoming in the last 7 years than anybody in this state. And I would like to say that, you know, I've been cited in both the Land and Water Reviews, prestigious document, the Denver Post, the High Country News, the Seattle Times, and throughout almost every newspaper and television station in this state because of the knowledge I have to do with the land exchange.

And I think the viable alternative is to go back to the drawing board, and go back to the exchange process, and let the LDS Church sit down more fully with the BLM, the local BLM. It's my understanding on good authority, I've gotten this from the BLM, that there's only been one formal proposal for an exchange. And if we look at our 1976 land—Federal Land Management Policy Act, our preferred method to dispose of our lands is through the exchange process.

Now, if we allow—If we allow, after one formal proposal, that one person could go and start asking for a select bill because they have enough political clout or whatever, then we're going to disintegrate the exchange process. And I think the real alternative, you know, the LDS Church in the United States is about one of the most wealthy churches in both money and land—

Mrs. CUBIN. Mr. Jolley, my time has run out. I'd like to allow you to go on, but, you know, earlier in the hearing it was listed as exchanges with other organizations. I don't even think they were exchanges, I think they were purchases, has been put into the record, and my experience has been that every—every time an exchange is offered there is nothing but controversy about the exchange, and a lot of the controversy results from early on misinformation being put—being put out there. So people don't exactly understand the terms of this.

I know that the BLM was prepared to do this, to transfer this land to the LDS Church. They were—They were prepared to do that without this legislation. So I don't think it's right that the BLM hasn't been involved, and that there was only one discussion. I believe there's been a lot of that. And, Mr. Chairman, forgive me for going over my time.

Mr. RADANOVICH. You're forgiven. Anything, Mr. Faleomavaega?

Mr. FALEOMAVEGA. Thank you, Mr. Chairman. Just to ask Mr. Underbrink, you did mention something about, there also seems to be some objection to the fact that Martin's Cove may have some prehistoric Indian sites. Do you think the LDS Church or yourself would be amenable, that a proposal be added into the bill, proposed

bill, to make sure that proper excavations ought to be taken to explore, if this is considered a prehistoric Indian site?

Mr. UNDERBRINK. I don't think that's necessary at all. The Cove itself—We're not traveling in the Cove itself when we're going out there. We're traveling on the sand dune hill around the top of the Cove. The prehistoric, if there are any historic Indian sites, they're not even going to be touched or trampled on down there. Like I say, I think every Cove in Sweetwater has got probably the same significance as this one does when it comes to historic and prehistoric Indian sites.

Mr. FALEOMAVAEGA. Somehow the magic figure of 1,640 acres is what seems to be the amount of acres that Martin's Cove is comprised of. Can you tell me if this is a true acreage that make up Martin's Cove, or is this smaller? Do you think we can live with something smaller than 1,640 acres?

Mr. UNDERBRINK. I definitely do. What the Church is doing there is protecting the view shed to the west, and it's a beautiful view shed, but it doesn't necessarily have to have that much acreage in the Cove. That's my opinion.

Mr. FALEOMAVAEGA. So if we're talking about 640 acres, it really is also to provide protection, as a matter of water sheds, or making sure there's no environmental harm, what we've done to the area in question?

Mr. UNDERBRINK. They're trying to keep the people on the trail, and that's the big thing out there. The trail that they've already constructed through the top of the Cove, as long as they do that, the environmental damage should not be great, although, remember, we've got thousands of people going on this trail now. We've got many handcarts kids pulling handcarts. It's quite an experience to watch all this, and the Church will have to watch to make sure that the ground is not environmentally damaged.

Mr. FALEOMAVAEGA. I want to note for the record, Mr. Chairman, I think it's also good for our friends to understand that just because a bill is proposed does not necessarily mean it's going to pass. And every 2 years thousands of bills are proposed in the Congress, and only a couple hundred get passed, so I wanted to let you know that deliberation is very difficult. It's not an easy process. And this is why we're here holding this hearing, to make sure that there's enough public input in the process.

Mr. Jolley, I respect your opinion, that you do not trust the LDS Church if it were ever to have ownership of Martin's Cove. What if the law does assure there is public access for the public to visit Martin's Cove with no restrictions by the LDS Church?

Mr. JOLLEY. Thank you, Mr. Chairman, Representative Faleomavaega.

Mr. FALEOMAVAEGA. You can just call me John Wayne, I'll be satisfied.

Mr. JOLLEY. Going to your question of if you want public access that was written in, it still would not give the public control, and I would have a problem with that. You see, one of the problems we have in this valley, and I've talked just a bit about Mr. Rehberg's question, about how this land never became a public—you know, was public, but the good lands were taken along, along the river, and now the LDS Church owns those lands. I believe we need to

maintain as much public control and ownership of every bit of land along this corridor.

Mr. FALEOMAVAEGA. You mentioned that the concern about the dissolution of Sweetwater Valley. Is Martin's Cove part of Sweetwater Valley?

Mr. JOLLEY. Certainly it—Excuse me, Mr. Chairman, and, Mr. Faleomavaega.

Mr. RADANOVICH. Nice try.

Mr. JOLLEY. Excuse me.

Mr. FALEOMAVAEGA. No—

Mr. JOLLEY. Yes, it definitely is. Just the entire—If you go up on the Cove, you look down from the Cove, it's one of the most picturesque scenic views. There are other valleys on the trails.

Mr. FALEOMAVAEGA. I'm not going to usurp your question about the authority.

You said the Baptists have also been here seven, 8 years previous to the members. Have the Baptists ever made official claims similar to the experiences that the earlier Mormons went through, like what happened in Martin's Cove, and also the pass with the handcarts? Have the Baptists ever made any expression of concerns about their members? Did they go through any tragedy like what the Mormons went through at Martin's Cove?

Mr. JOLLEY. Mr. Chairman, Representative Faleomavaega, all through that history of that corridor a lot of people died. We had Indians—And if you want to know the truth, if you look at that Cove, this is probably one of the main places where you probably have archeological and Indian tragedies that took place. But the Baptists have not made a claim, and this is what I do not want—I do not want now, the Baptists to say they were a church group going through and they have a sacred site, and they have should be entitled to Devil's Gate.

We do know in Wyoming 10 years ago, and I live in the Big Horn Basin, and we had the Indian tribes, American Indian tribes wanted to control the access and control to the Medicine Wheel, and that was on the Big Horn Mountains. And they claim those as sacred sites, and I have no doubts that they did, but the most vocal opponents, Senator Simpson, and one of our leading LDS, I believe he was a stake president at that time, Cal Haggart, and they did not want to set this precedence, of having people be able to come up and get control of our public lands because it was a sacred site.

Mr. FALEOMAVAEGA. If I could ask Mr. Larsen, I get a very strong impression the Martin's Cove issue as we now discuss it by means of legislation, it was not something that was initiated from Salt Lake City, was it not?

Mr. LARSEN. That is correct. The research and the efforts to try and make these historical sites for the legacy of members of this Church and also for the public in general, was initiated here in Wyoming.

Mr. FALEOMAVAEGA. So this has not just come about yesterday? I understand that the Martin's Cove was under the official Registrar of Historic Sites I think since 1977. Am I correct? I may be wrong on my history.

Mr. LARSEN. That is correct. If my understanding is correct, the person that nominated it was a person by the name of Paul

Henderson who was with BLM at the time. We started locally from—from within the vicinity of Martin's Cove through research and making efforts to inform the public of the significance of this site to the LDS Church in 1990, 1991.

Mr. FALEOMAVEGA. And by the experiences that the members of the LDS Church went through, as part of the trail system, this is just your story that you want to share with the rest of the world? You're not prohibiting other organizations, other churches, or anybody else from having their own sense of interpretation of their experiences when they went through what is now known as the California Oregon Trails?

Mr. LARSEN. It was interesting, as we designed the Visitors' Center of Martin's Cove, that is one of the—We didn't want to be exclusionary in any of the things that we've done. That's why we did it, one route to the Visitor Center, and you have to bear in mind if you've not been there, that Visitor Center isn't huge. We dedicated one room to the Sun family, and also to the Oregon and California and Pony Express trails that passed through there. We later created, at our own expense, a museum dedicated to the people who lived on the Sweetwater River, ranchers in that vicinity, artifacts and relics from their families and their ranches that are there for public—for the general public. It's a very nice presentation.

Mr. FALEOMAVEGA. I think this is important, Mr. Chairman. This was not something that was initiated from outside, this is the good citizens who happen to be members of the Church here in Wyoming, that did all the work, and did all the addition, did the history, and went through all this. And I just want to assure Ms. Kennell, I will certainly support Ms. Cubin's amendment that whatever funds obtained, if the bill passes, should come to the Trail Center here in Wyoming.

Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you, Eni.

Mr. Underbrink, Mr. Jolley, Ms. Kennell, Mr. Larsen, thank you for your testimony today. There are no other questions from the Committee, so if you will kindly excuse yourselves, we appreciate it, and move on to our last panel for this evening, Panel No. 1, Ms. Katharine Kimball, who is Director of the External and Intergovernmental Affairs, Department of Interior has made it here. Glad that you made it, Kathy.

Ms. KIMBALL. Thank you.

Mr. RADANOVICH. Let you get settled there. Ms. Kimball, I would ask that you make all the effort to speak directly into the mike as we want to make sure everybody in the room hears. If hands go up, I'll let you know you're not speaking loud enough. So, welcome. We're glad that you made it, and if you'd like, we'd enjoy hearing what you have to say.

STATEMENT OF KATHARINE KIMBALL, DIRECTOR, EXTERNAL AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Ms. KIMBALL. Thank you, Mr. Chairman, Members of the Committee. My name is Katharine Kimball. I go by Kit Kimball. And I'm here today to represent Secretary Gale Norton, Department of the Interior.

I would like to thank you for the opportunity to discuss H.R. 4103, the Martin's Cove Land Transfer Act.

As you may have heard, the cornerstone of Secretary Norton's mission for the Department of Interior is what she calls the four Cs; cooperation, consultation, communication, all in the service of conservation.

It is with this direction from her, and in the spirit of cooperation, that I am here today to work with this Committee, and this community on the issues surrounding this bill.

The Department of Interior recognizes the unique significance of Martin's Cove to the Church of Jesus Christ of Latter-day Saints.

We also understand the public's desire for continued use and access of the area due to the very significant historic trails adjacent to and going through this unique area.

We strongly support the intent of this proposed legislation, which enables the Church to manage the site's historic resources for public benefit through educational and recreational opportunities.

I'd like to discuss three issues regarding the public access issue.

First, we believe that it's important to pursue an approach that ensures continued public access, and resource protection within Martin's Cove in perpetuity.

Given the existence of the public trails on the site, we recommend that before any transfer of title, occurs a conservation easement should be placed on the lands proposed in advance to protect the existing geological and historical resources in the Martin's Cove area.

In addition, a perpetual public access easement should be considered as part of any conveyance that would allow for continued public access to the Martin's Cove area.

The Department would also like to recommend inclusion of a provisional clause to the Federal Government in order to ensure that the site will be protected should the Church desire to discontinue ownership or management of the area in the future.

Second, the Department believes the legislation should attempt to direct revenues received from the transaction back into the resource in order to further benefit the public's appreciation and enjoyment of the historic trails and facilities in the area.

Terms such as these would allow for private ownership by the Church and provide for long-term protection of the resources, and retain the critical public access to the improvements at the site.

Third, the Department is concerned that the lands conveyed represent the objectives of the Church and protect the public interest. Toward that end we will work with the Committee to ensure that the proposed conveyance is confined to the smallest area compatible and along with the proper care and management of the resources that we are seeking to protect.

Now, I would like to mention just a few points with respect to the appraisal process.

We find that an appraisal of this unique historic property should be based on the conventional appraisal standards to provide a very sound basis for its value.

The proposed legislation should include procedures, that state clearly the process for a smooth conveyance of the property, and

we'd be pleased to work with you in developing some of that clarification.

In addition, it's unclear whether the Federal Government, in this case the Bureau of Land Management, will be reimbursed for past improvements in addition to receiving the fair market value for the lands. This should be clarified to ensure a fair reimbursement to the taxpayers.

Finally, as is standard practice, the mineral estate should be reserved to the Federal Government.

In conclusion, if the legislation can be crafted further with these elements in mind, the Department believes that this legislation could provide an opportunity, and positive benefits for the public, while accommodating the historical and cultural interests of a private group or foundation.

With that, I'd like to thank you for allowing me to be here on behalf of the Department. I am happy to answer any questions.

[The prepared statement of Ms. Kimball follows:]

Statement of Kit Kimball, Director of External and Intergovernmental Affairs, U.S. Department of the Interior

Thank you for the opportunity to provide testimony regarding H.R. 4103, a bill to direct the Secretary of the Interior to transfer certain lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop, of the Church of Jesus Christ of Latter Day Saints ("Church"). H.R. 4103, the Martin's Cove Land Transfer Act, involves 1,640 acres of public lands managed by the Bureau of Land Management (BLM) located 60 miles southwest of Casper, in Natrona County, Wyoming. The Department supports the goals of H.R. 4103. However, the Department has some concerns with this bill and would like to work with the Subcommittee to address them.

Background

Martin's Cove was listed on the National Register of Historic Sites in 1977. It is significant because in 1856, Mormon pioneers traveling west pushing handcarts were trapped by a severe early winter snowstorm at Martin's Cove and it is estimated that between 135 and 150 of the pioneers perished. Martin's Cove is located near the confluence of four National Historic Trails, the California, Oregon, Mormon Pioneer and Pony Express trails, which all pass within a mile of the Martin's Cove site. All of these trails are administered by the National Park Service, in cooperation with the Bureau of Land Management, under the provisions of the National Trails System Act. The 1,640-acre parcel proposed for conveyance by this legislation contains portions of the Tom Sun Ranch National Historic Landmark and is contiguous to private lands. The site includes unmarked emigrant graves, as well as historic emigrant camp locations and some archeological remains of Native American prehistoric sites.

Martin's Cove is an important part of the history of the westward emigration across 19th century America, and it is particularly important for the descendants of the Mormon pioneers who traveled through it. It is a symbol of the extreme hardship suffered by many who sought a better way of life by traveling across the continent. For many, the Mormon Handcart Tragedy stands out as a single devastating event that shaped a culture that traveled along the Oregon, the Mormon Pioneer, the California, and the Pony Express National Historic Trails.

The Department recognizes the unique significance of Martin's Cove to the Church and understands and supports the intent of this proposed legislation to enable the Church to manage the site's historic resources through educational and recreational opportunities for all members of the public.

Public Access and Benefits

First, the Department believes it is important to pursue an approach that ensures continued public access and resource protection within Martin's Cove, in perpetuity. Given the existence of public trails on the site, we recommend that, before any transfer of title, a Conservation Easement be placed on the lands proposed for conveyance to protect the existing geological and historical resources in the Martin's Cove area. In addition, a perpetual public access easement should be considered as part of any conveyance that would allow for continued public access to the Martin's

Cove area. The Department would also recommend inclusion of a reversionary clause to the Federal Government in order to ensure the site will be protected should the Church desire to discontinue ownership or management of it in the future.

Second, the Department believes the legislation should attempt to direct revenues received from the transaction back into the resource in order to further benefit the public's appreciation and enjoyment of the historic trails and facilities in the area. Terms such as these would allow for private ownership by the Church, provide long-term protection of resources, and retain public access to the improvements at the site.

Third, the Department is concerned that the lands conveyed represent only those that are absolutely necessary to accomplish the objectives of the Church and the public. Toward that end, we will work with the Committee to ensure that the proposed conveyance is confined to the smallest area compatible with the proper care and management of the resources sought to be protected.

Appraisal Process, Funds, and Mineral Estate

An appraisal of this unique historic property should be based on conventional appraisal standards to provide a sound basis for value. The proposed legislation includes procedures that may need clarification to allow for a smooth conveyance of the property and we would be pleased to work with the Committee on these.

Additionally, it is unclear whether the Federal Government (BLM) will be reimbursed for past improvements in addition to receiving fair market value for the lands, and this should be clarified to ensure a fair reimbursement to the taxpayers. Finally, as is standard practice, the mineral estate should be reserved to the Federal Government.

Potential Precedent—Setting Issues

The Department is concerned that H.R. 4103 could be viewed as creating a precedent for conveying ownership of historic or prehistoric public sites that are deemed sacred to a particular group or culture. We are concerned and want to ensure that this legislation not establish a precedent for similar land transfers in the future, and we want to work closely with the Committee to address this concern.

Conclusion

If crafted with these elements in mind, the Department believes this legislation could provide absolute positive benefits for the public while accommodating the historical or cultural interests of a private group or foundation. Thank you for the opportunity to provide testimony on H.R. 4103. This concludes my testimony and I will be pleased to answer any questions the Subcommittee may have.

Mr. RADANOVICH. Thank you for being here. I'd like to open it up to questions. Mrs. Cubin.

Mrs. CUBIN. Thank you, Mr. Chairman. I'd like to start with, thank you for being here, Kit. I know you probably are a little stressed trying to get here with the plane schedules that we have to deal with here in the west, and that's another issue for another day.

I want to talk about the appraisal issues on Martin's Cove. Some people have suggested that the appraisal for the land should occur before the bill is enacted rather than after. With all of the discussions that the BLM and the Church have had over the past 5 years regarding land transfer, does the BLM have a solid idea of what this land would be worth? And I'm not asking you what the number would be, but do you have a solid range that you believe you know the land is worth?

Ms. KIMBALL. Madam Congressman, my understanding is that we have a very good sense of the value with respect to what we looked at as far as exchange, that is what would be equivalent value for exchange. I would have to look into the fact on what an actual dollar amount would be.

Mrs. CUBIN. Would you agree this negotiation having gone on for 5 years, that there really has been a lot of communication between BLM and the Church?

Ms. KIMBALL. Yes.

Mrs. CUBIN. Rather than just one meeting?

Ms. KIMBALL. My understanding, this has been ongoing discussions for over 5 years, as you said, and there's been quite a bit of debate on numerous potential exchange opportunities, so, yes, my understanding is that it's been a very thorough process.

Mrs. CUBIN. Your testimony mentions that the cost of the lands should include the cost of the improvements to Martin's Cove that the BLM has made. Are you aware of exactly how much money has been spent by the BLM to improve Martin's Cove site with better trails and interpretative signs?

Ms. KIMBALL. I do not have that number, and again I will be happy to submit that to the record.

Mrs. CUBIN. That's OK, because, you know, they aren't exact at this point, I'm sure, anyway.

You said also in your statement that you thought the money, proceeds of the sale should go back into Martin's Cove rather than into the Trail Center or other development of the trail system in the state of Wyoming. Do you have any idea what the income would be, and how do you compare that with what the cost would be? Because it's my belief, very strongly, that the income would greatly exceed the cost to maintain and develop Martin's Cove, whereas we have a lot of trails in Wyoming that could benefit from the amount of money that will be generated. So I would like you to take that message back to the Secretary should this—should this bill pass.

And I also want to be on the record saying that I do believe that the historic value of the area rather than just the value of the similar grazing lands ought to be included in the price, if the legislation passes.

Thank you, Mr. Chairman. I yield back my time.

Mr. RADANOVICH. Thank you, Mrs. Cubin.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I want to thank Ms. Kimball for her statement, for appearing before our Subcommittee here this afternoon.

I note with interest there are several recommendations, Miss Kimball, the Department has made for purposes of improving the proposed legislation. One, you mentioned about adding a provisionary clause so if the Church no longer has a use, that the ownership of the land in question will be reverted back to the Federal Government. I don't see that as being unreasonable. Do you?

Ms. KIMBALL. No, sir.

Mr. FALEOMAVAEGA. You also noted here that some suggestions about the—to be derived from the use of the land, as Mrs. Cubin stated earlier, a question about how do you make the appraisal. As you know there's an appraisal for grazing, and ranchers have access to the Federal Government. My understanding that some 250,000 visitors have trekked through the Martin's Cove. That has been an economic benefit to the good people of Wyoming in excess of 11 million dollars, as I understand it. Will that also be taken

into consideration as far as what—defining what an appraised value for this land in question is?

Ms. KIMBALL. Well, certainly in looking at equivalent exchange of lands a value must be determined. The historical value, and the significance of the benefits of that use should be included in the appraised value of the site.

Mr. FALEOMAVAEGA. Now, do you find it very easy to find equivalent lands for sale, not just the LDS Church, any other organization, that an exchange can be made? Does it have to be made just to lands, Federal lands here in Wyoming, or can it be from California, or any other state?

Ms. KIMBALL. No, I think we have the ability to look west wide. We're fortunate to have many rich historical artifacts, and areas in this country, and I think we'd look west wide at what the values would be, equivalent values for historical sites.

Mr. FALEOMAVAEGA. I note with interest too that Mr. Jolley made the comment to the effect that the LDS Church is a very wealthy church, but I don't see this as any relevance to the situation here where the whole incident, happening of the experiences of those members of the LDS Church here in Wyoming, placing some value of the lives of 200 men, women and children who perished from starvation, and from the bitterness of the cold, I don't think you can ever place any monetary value to this. And I would certainly like to suggest that if there's anything that is more touching as to why the leaders of the LDS Church have expressed very serious interest is because of that, if not for any other reason.

Now, your closing statement, Ms. Kimball, you said something about a real concern about not establishing a precedent. Now, I don't know if I'm pronouncing the word, is it precedent or president?

Ms. KIMBALL. Precedent.

Mr. FALEOMAVAEGA. Precedent.

Ms. KIMBALL. Precedent.

Mr. FALEOMAVAEGA. You indicated concern about establishing a precedent. Are you suggesting here that this isn't the first instance that something like this has ever transpired in terms of purchase or conveyancing of Federal lands to any institution, whether it's a church or a foundation, or a city, or county government?

Ms. KIMBALL. Mr. Congressman, Mr. Chairman, it would not be the first by any means. There have been many sales and purchases in the past, exchanges, transactions of every kind, so we are wanting to look very carefully at how, on behalf of the public, on behalf of the taxpayers, we convey sites that may have significant and sacred values to one element of society, but be balanced with a broader public interest. So in that context we're trying to look at this very carefully to understand the uniqueness of this site and to make certain that we are doing this in the broad public interest. We don't want to set a precedent, that for a small special interest, as significant as it may be, that it is the only reason that something like this is, is set aside, purchased or sold.

Mr. FALEOMAVAEGA. I'm very confident, Ms. Kimball, for us sitting on this side of the aisle, that we are going to be very careful and deliberate, to make sure that if there ever is, or will be a conveyance of land belonging to the public, that it will not be done in

any way that the public's interest will not be taken into serious consideration. I want to assure the people of the State of Wyoming it will also be the same for this proposed legislation.

Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you, Mr. Faleomavaega.

And Mr. Rehberg.

Mr. REHBERG. Let me begin by thanking the audience for your hospitality. If I get up and leave, I have to catch a plane to Montana, and I know the Chairman does as well.

I thank you for the hospitality that you've showed us in Casper too. The only thing that would have been nice is if the hotel would have had warm water for our showers. You all are a tough lot, and I admire you.

If I might, Ms. Kimball, I won't ask you the specific number, although I'd like to know it, but philosophically one of the things that's occurred within the Department of Interior's authority is the continual addition of responsibilities. I speak most specifically to my own state and a new monument designation that was created on the Missouri River. We're all in competition for dollars. Philosophically, is there any way you can fulfill, with the total amount of dollars necessary to create the broad public interest presentation of those, or is part of your perhaps support for this in that you can't begin to afford all that we would like to do to present to the broad public interest these historical designations, monuments and such?

So, philosophically, do you agree with moving it out to an entity such as the Church who do show an interest in spending the money to create that presentation?

Ms. KIMBALL. Mr. Chairman, Mr. Congressman, yes. We find, unfortunately, that in trying to be better stewards of taxpayer's dollars, we're not always able to stretch those dollars as far as we'd like. We believe this bill is an opportunity for the public to be able to work with the Church, and the community. This will move the project along more quickly and provide a quality interpretation of the site and be able to provide educational opportunities for the public at the site by partnering with the Church we would not be able to provide some of those same resources, certainly not in the near term, for this area for use by the public.

Mr. REHBERG. I want to go on record for thanking the administration for its willingness to consider alternatives such as this. You've got much more experience than I, but I haven't seen them use it a lot, various administrations over the years, and it's really wonderful that this administration is willing to make these kinds of consideration. I wish others had in the past.

Thank you.

Mr. RADANOVICH. Thank you very much, Mr. Rehberg. Any other questions for this witness? Eni?

Mr. FALEOMAVEGA. Mr. Chairman, I would be remiss if I did not express my deepest sense of appreciation not only to the distinguished Congresswoman representing the great State of Wyoming, Mrs. Cubin, but also for the good people here in Wyoming. It's been my privilege and I am very honored to be here, and certainly feel accepted, and wanting very much to hopefully, whatever we do with the proposed legislation, it will be in the interest of the good

people of Wyoming. And, again, thank you all for your kindness and your hospitality.

Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you very much.

If there are no other questions of the witness, then, Ms. Kimball, you are excused, and I appreciate you being here, and appreciate the value of the information that you are able to provide for the Committee.

If there are no other questions, this does end the public hearing. And I too would like to add to my appreciation of the people of Wyoming that made this a very positive and wonderful experience.

You've got a beautiful state, and some pretty darned good people in it. So I appreciate the ability to come meet with you today.

And with that I will close the hearing, and hand the gavel over to Barbara, and she will take it from there.

As Mr. Rehberg had mentioned, both of us have a plane to catch, and again I just want to thank you very much for being an excellent audience and being a part of this process we call government. Thank you very, very much.

Mrs. CUBIN. Mr. Chairman, on behalf of myself and everyone here, we sincerely appreciate your extra effort in this piece of legislation. We know that you have gone an extra mile for us, and we appreciate it very much. Likewise to you, Congressman Rehberg. Thank you.

Mr. RADANOVICH. My pleasure. Thank you, Barbara.

[Whereupon, at 12:29 p.m., the Subcommittee was adjourned.]

